



भारत का राजपत्र

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सं. 37] नई दिल्ली, सितम्बर 10—सितम्बर 16, 2006; शनिवार/भाद्र 19—भाद्र 25, 1928
No. 37] NEW DELHI, SEPTEMBER 10—SEPTEMBER 16, 2006, SATURDAY/BHADRA 19—BHADRA 25, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 6 सितम्बर, 2006

का.आ. 3678.—केन्द्रीय सरकार, सीमा सुरक्षा बल अधिनियम, 1968 (1968 का 47) की धारा 141 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सीमा सुरक्षा बल नियम, 1969 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का सक्षिप्त नाम सीमा सुरक्षा बल (संशोधन) नियम, 2006 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. सीमा सुरक्षा बल नियम, 1969, में नियम 167 के उप-नियम (2) में “धारा 117 में उल्लिखित अधिकारी” शब्दों और अंकों के स्थान पर “धारा 117 की उप-धारा (2) में विनिर्दिष्ट प्राधिकारी अथवा महानिरीक्षक जो उस धारा के प्रयोजन के लिए विहित अधिकारी होगा” शब्द, कोष्ठक और अंक रखे जायेंगे।

[फा. सं. 1/21/2000-सीएलओ/बीएसफ]

मनोज अग्रवाल, निदेशक (कार्मिक)

नोट—मूल नियम भारत के राजपत्र, खण्ड 2, भाग 3, उप-खण्ड (i) में का. आ. 2336, तारीख 9 जून 1969 द्वारा प्रकाशित किये गये थे और पश्चात्वर्ती में निम्नवत् संशोधित किये गये :—

- (i) का.आ. 1362 तारीख 7 अप्रैल, 1970
- (ii) का.आ. 4034 तारीख 21 अक्टूबर, 1971
- (iii) का.आ. 5087 तारीख 6 नवम्बर, 1971
- (iv) का.आ. 329(अ) तारीख 29 अप्रैल, 1981
- (v) का.आ. 155 तारीख 1 मार्च, 1983
- (vi) का.आ. 187(अ) तारीख 23 मार्च, 1984
- (vii) का.आ. 436(अ) तारीख 29 मई, 1990
- (viii) का.आ. 188(अ) तारीख 13 मार्च 1993
- (ix) का.आ. 1040 तारीख 25 मार्च, 1996
- (x) का.आ. 1686 तारीख 31 मई, 1996
- (xi) का.आ. 166 तारीख 14 जनवरी, 1998

- (xii) का.आ. 55(अ) तारीख 1 फरवरी, 1999
- (xiii) का.आ. 544 तारीख 15 फरवरी, 2002
- (xiv) का.आ. 1644 तारीख 8 मई, 2002
- (xv) का.आ. 1866 तारीख 27 जून, 2003
- (xvi) का.आ. 2032 तारीख 9 जुलाई, 2003

MINISTRY OF HOME AFFAIRS

New Delhi, the 6th September, 2006

S.O. 3678.—In exercise of the powers conferred by Section 141 of the Border Security Force Act, 1968 (47 of 1968), the Central Government hereby makes the following rules further to amend the Border Security Force Rules, 1969, namely :—

1. (1) These rules may be called the Border Security Force (Amendment) Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

(2) In the Border Security Force Rules, 1969, in rule 167, in sub-rule (c) for the words and figures “Officers mentioned in Section 117”, the words, brackets and figures “authorities specified in Sub-section (2) of Section 117 or the Inspector General who shall be the prescribed officer for the purpose of that Section” shall be substituted.

[F. No. 1/21/2000/CLO/BSF]

MANOJ AGGARWAL, Director (Personnel)

Note :—The principal rules were published in the Gazette of India, Part II, Section 3, sub-section (i) vide number S.O 2336, dated the 9th June, 1969, and subsequently amended by:—

- (i) S.O. 1362 dated the 7th April, 1970
- (ii) S.O. 4034 dated the 21st October 1971
- (iii) S.O. 5087 dated the 6th November, 1971
- (iv) S.O. 329(E) dated the 29th April, 1981
- (v) S.O. 155 dated the 1st March, 1983
- (vi) S.O. 187(E) dated the 23rd March, 1984
- (vii) S.O. 436(E) dated the 29th May, 1990
- (viii) S.O. 188(E) dated the 13th March, 1993
- (ix) S.O. 1040 dated the 25th March, 1996
- (x) S.O. 1686 dated the 31st May, 1996
- (xi) S.O. 166 dated the 14th January, 1998
- (xii) S.O. 55(E) dated the 1st February, 1999
- (xiii) S.O. 544 dated the 15th February, 2002

- (xiv) S.O. 1644 dated the 8th May, 2002
- (xv) S.O. 1866 dated the 27th June, 2003
- (xvi) S.O. 2032 dated the 9th July, 2003.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 7 सितम्बर, 2006

का.आ. 3679.—भारतीय लघु उद्योग विकास बैंक अधिनियम, 1989 (1989 का 39) की धारा 6 की उप-धारा (1) के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री एस.एस. चट्टोपाध्याय, अध्यक्ष, पश्चिम बंगाल वित्तीय निगम, को श्रीमती गौरी सिंह, प्रबंध निदेशक, एमपीएसएफसी, के स्थान पर, तत्काल प्रभाव से तीन वर्ष की अवधि के लिए अथवा अगला आदेश होने तक, भारतीय लघु उद्योग विकास बैंक (सिङ्गबी) के निदेशक मंडल में अंशकालिक गैर-सरकारी निदेशक के रूप में नियुक्त करती है।

[फा.सं. 24/5/2002-आई एफ-1]

एम. साहू, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 7th September, 2006

S.O. 3679.—In exercise of the powers conferred by clause (e) of Sub-section (1) of Section 6 of the Small Industries Development Bank of India Act, 1989 (39 of 1989), the Central Government hereby appoints Shri S.S. Chattopadhyay, Chairman, West Bengal Financial Corporation Vice Smt. Gauri Singh, MD, MPSFC as part-time non-official Director on the Board of Directors of Small Industries and Development Bank of India (SIDBI) for a period of three years with immediate effect or till further orders.

[F.No. 24/5/2002-IF.I]

M. SAHU, Under Secy.

नई दिल्ली, 7 सितम्बर, 2006

का.आ. 3680.—रुग्ण औद्योगिक कंपनी (विशेष उपबंध) अधिनियम, 1985 की धारा 6 की उप-धारा (2) के साथ पठित धारा 4 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्रीमती बीनू सेन, आईएएस (म.प्र. 67) (सेवानिवृत्त) को उनके पद ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा उनके 65 वर्ष की आयु प्राप्त कर लेने तक अथवा औद्योगिक और वित्तीय पुनर्निर्माण बोर्ड (बीआईएफआर) के

समाप्त होने तक अथवा अगला आदेश होने तक, इनमें से जी भी सर्वप्रथम हो, सदस्य, बीआईएफआर, के पद पर नियुक्त करती है।

[फा. सं. 20(1)/2004-आई एफ-II]

तरुण बजाज, निदेशक

New Delhi, the 7th September, 2006

S.O. 3680.—In exercise of the powers conferred by sub-section (2) of Section 4, read with sub-section (2) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985, the Central Government hereby appoints Smt. Binoo Sen, IAS (MP:67) (retired), as Member, Board for Industrial and Financial Reconstruction (BIFR) for three years, with effect from the date of assumption of the charge of the post or till she attains the age of 65 years or till the abolition of BIFR or until further orders, whichever event occurs earliest.

[F. No. 20(1)/2004-IF.II]

TARUN BAJAJ, Director

नई दिल्ली, 7 सितम्बर, 2006.

का.आ. 3681.—सूरण औद्योगिक कंपनी (विशेष उपबंध) अधिनियम, 1985 की धारा 6 की उप-धारा (2) के साथ पठित धारा 4 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री एन. आर मोहन्नी, भूतपूर्व अध्यक्ष एवं प्रबंध निदेशक, हिन्दुस्तान एरोनॉटिक्स लिमिटेड, को उनके पद ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा उनके 65 वर्ष की आयु प्राप्त कर लेने तक अथवा औद्योगिक और वित्तीय पुनर्निर्माण बोर्ड (बीआईएफआर) के समाप्त होने तक अथवा अगला आदेश होने तक, इनमें से जी भी सर्वप्रथम हो, सदस्य, बीआईएफआर, के पद पर नियुक्त करती है।

[फा. सं. 20(1)/2004-आई एफ-II]

तरुण बजाज, निदेशक

New Delhi, the 7th September, 2006

S.O. 3681.—In exercise of the powers conferred by sub-section (2) of Section 4 read with sub-section (2) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985, the Central Government hereby appoints Shri. N. R Mohanty, ex-Chairman and Managing Director, Hindustan Aeronautics Limited, as Member, Board for Industrial and Financial Reconstruction (BIFR) for three years, with effect the date of assumption of the charge of the post or till he attains the age of 65 years or till the abolition of BIFR or until further orders, whichever event occurs earliest.

[F. No. 20(1)/2004-IF.II]

TARUN BAJAJ, Director

नई दिल्ली, 8 सितम्बर, 2006

का.आ. 3682.—यतः, इण्डियन ओवरसीज बैंक (आईओबी), जो बैंककारी कंपनी (उपकरणों का अर्जन एवं अंतरण) अधिनियम, 1970 (1970 का अधिनियम सं. 5) की धारा 3 उप-धारा (1) के अंतर्गत गठित एक तदनुरूपी नया बैंक है, के पास भारत ओवरसीज बैंक लि., जो बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 5 के खंड (ग) में यथा परिभाषित एक बैंकिंग कंपनी है, की 30 प्रतिशत चुकता पूँजी है;

और, यतः, उक्त इण्डियन ओवरसीज बैंक ने, केन्द्र सरकार के अनुमोदन से, अन्य शेयर धारकों द्वारा धारित उक्त बैंकिंग कंपनी के शेयरों को खरीदकर इसकी 70 प्रतिशत चुकता चूंजी अधिगृहीत करने का प्रस्ताव किया है;

और, यतः, उक्त बैंकिंग कंपनी को उक्त आईओबी की अनुषंगी बनाते हुए, ऐसा अधिग्रहण उक्त बैंकिंग कंपनी के उक्त आईओबी के साथ समामेलन या उपकरणों के अंतरण द्वारा या किसी अन्य अनुज्ञय तरीके से संभावित विलय की दृष्टि से और उस प्रयोजन के लिए है;

और, यतः, यह निरुपित किया गया है कि ऐसा विलय 31 मार्च, 2007 से पूर्व प्रभावी होगा।

अतः, अब, बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 धारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 19 के उपबंध इण्डियन ओवरसीज बैंक पर 31 मार्च, 2007 तक की अवधि के लिए उस सीमा तक लागू नहीं होंगे, जहां तक इनका संबंध उसके द्वारा भारत ओवरसीज बैंक लि. की चुकता पूँजी की धारिता से है या ऐसी शेयर-धारिता के कारण बैंकिंग कंपनी के इसके अनुषंगी बन जाने से है।

[फा. सं. 15/2/2006-बी ओ ए]

एस. पी. एस. सांगवान, अवर सचिव

New Delhi, the 8th September, 2006

S.O. 3682.—Whereas, the Indian Overseas Bank (IOB), a corresponding new bank constituted under Sub-section (1) of Section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Act No. 5 of 1970) holds 30% of the paid up capital of Bharat Overseas Bank Ltd., a banking company as defined in clause (c) of Section 35 of the Banking Regulation Act, 1949 (10 of 1949);

And, whereas, the said Indian Overseas Bank has, with the approval of the Central Government, proposed to acquire 70% of the paid up capital of the said banking company by purchasing its shares held by the other shareholders;

And, whereas, such acquisition making the said banking company a subsidiary of the said IOB is with a view and for the purpose of eventual merger, by amalgamation or transfer of undertaking or by the other

permissible mode of the said banking company with the said IOB;

And, whereas, it has been represented that such merger shall be effected before March 31, 2007.

Now, Therefore, in exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 19 of the said Act, shall not apply to Indian Overseas Bank for a period upto March, 31, 2007, in so far as they relate to its holding of the paid up capital of Bharat Overseas Bank Ltd. or the said banking company becoming its subsidiary by virtue of such shareholding.

[F. No. 15/2/2006-BOA]

S. P. S. SANGWAN, Under Secy.

रेलवे मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 7 सितम्बर, 2006

का.आ. 3683.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उप-नियम (2) और (4) के अनुसरण में, भारतीय कॉटेनर निगम, लिमिटेड के नोएडा स्थित उत्तर मध्य क्षेत्र कार्यालय, 502, 5वां तल, पी-5, ओसियन प्लाजा, सैक्टर-18, नोएडा-201301, जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यालय का ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[सं. हिंदी-2006/रा.आ.1/12/1]

कृष्ण शर्मा, संयुक्त निदेशक (राजभाषा)
रेलवे बोर्ड

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 7th September, 2006

S.O. 3683.—Ministry of Railways (Railway Board), in pursuance of Sub Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the official purposes of the Union) hereby, notify the Container Corporation of India Ltd. North Central Area Office, 502, 5th floor P-5, Ocean Plaza, Sector-18, Noida 201301 where more than 80 % Officers/Employees have acquired the working knowledge of Hindi.

[No. Hindi 2006/O.L. 1/12/1]

KRISHNA SHARMA, Jt. Director (O.L.)
Railway Board.

पोत-परिवहन, सङ्क-परिवहन और राजमार्ग मंत्रालय

(पोत-परिवहन विभाग)

(पोत-परिवहन स्कंध)

नई दिल्ली, 1 सितम्बर, 2006

का.आ. 3684.—राष्ट्रीय नौवहन बोर्ड नियम, 1960 के नियम 4 के साथ पठित वाणिज्य-पोत-परिवहन-अधिनियम, 1958 (वर्ष, 1958 के अधिनियम सं. 44) की धारा 4 द्वारा प्रदत्त अधिकार प्रयुक्त करके, केन्द्रीय सरकार, एतद्वारा, निम्नलिखित सदस्यों से युक्त राष्ट्रीय नौवहन बोर्ड को तुरंत प्रभाव से, दो वर्ष की अवधि के लिए निमानुसार स्थापित करती है और उपर्युक्त बोर्ड के अध्यक्ष के रूप में श्री संतोष नौटियाल को नामित करती है, अर्थात् :—

क्रम सं.	नाम/पदनाम
1.	संतोष नौटियाल, अध्यक्ष
2.	श्री तेनाला जी. बालकृष्णन पिल्लई, संसद-सदस्य (राज्य-सभा)
3.	श्री सू. तिरुनावुक्कारसर, संसद-सदस्य (राज्य-सभा)
4.	श्री पी. एस. गढवी, संसद-सदस्य (लोक-सभा)
5.	श्री रघुनाथ झा, संसद-सदस्य (लोक-सभा)
6.	श्री प्रकाश प्ररांजपे, संसद-सदस्य (लोक-सभा)
7.	श्री के. वी. टंकबालू, संसद-सदस्य (लोक-सभा)
8.	अपर सचिव और वित्तीय सलाहकार (पोत-परिवहन, सङ्क-परिवहन और राजमार्ग-मंत्रालय)
9.	संयुक्त सचिव (पोत-परिवहन), पोत-परिवहन-विभाग
10.	संयुक्त सचिव (अवसंरचना), वाणिज्य-विभाग
11.	नौसेना स्टाफ के उप प्रधान
12.	नौवहन-महानिदेशक
13.	अध्यक्ष, भारतीय राष्ट्रीय पोत-स्वामी-संघ (पोत-स्वामियों के प्रतिनिधि)
14.	उपाध्यक्ष, भारतीय राष्ट्रीय पोत-स्वामी-संघ (पोत-स्वामियों के प्रतिनिधि)
15.	अध्यक्ष, भारतीय तटीय सम्मेलन (पोत-स्वामियों के प्रतिनिधि)
16.	अध्यक्ष, भारतीय नाविकों का राष्ट्रीय संघ (नाविकों के प्रतिनिधि)
17.	महासचिव, भारतीय सामुद्रिक संघ (नाविकों के प्रतिनिधि)
18.	अध्यक्ष, भारतीय अग्रवर्ती नाविक-संघ (नाविकों के प्रतिनिधि)

[फा. सं. एस एस-18011/1/2005-एस एल]

रघुनाथ त्रिपाठी, उप सचिव

MINISTRY OF SHIPPING, ROAD TRANSPORT & HIGHWAYS
(Department of Shipping)
(Shipping Wing)

New Delhi, the 1st September, 2006

S.O. 3684.—In exercise of the powers conferred by Section 4 of the Merchant Shipping Act, 1958 (44 of 1958) read with Rule 4 of the National Shipping Board Rules, 1960, the Central Government hereby establishes the National Shipping Board for a period of two years with immediate effect consisting of the following Members and nominates Shri Santosh Nautiyal as the Chairman of the said Board, namely :—

Sl. No.	Name/Title/Designation
1	2
1.	Shri Santosh Nautiyal, Chairman
2.	Shri Thennala G. Balakrishna Pillai, Member of Parliament (Rajya Sabha)
3.	Shri Su. Thirunavukkarasar, Member of Parliament (Rajya Sabha)
4.	Shri P. S. Gadhavi, Member of Parliament (Lok Sabha)
5.	Shri Raghunath Jha, Member of Parliament (Lok Sabha)
6.	Shri Prakash Paranjpe, Member of Parliament (Lok Sabha)
7.	Shri K. V. Thangkabalu, Member of Parliament (Lok Sabha)
8.	Addl. Secretary & Financial Advisor (Ministry of Shipping, RT&H)
9.	Joint Secretary (Shipping) Deptt. of Shipping
10.	Joint Secretary (Infrastructure), Deptt. of Commerce
11.	Deputy Chief of Naval Staff
12.	Director General of Shipping
13.	President, Indian National Ship-owners Association (INSA) [Representative of ship-owners]
14.	Vice-President, INSA [Representative of ship-owners]
15.	Chairman, Indian Coastal Conference (ICC) [Rep. of ship-owners]
16.	President, Maritime Union of India [Representative of seamen]

1	2
17.	Secretary General, National Union of Seafarers of India (NUSI) [Representative of seamen]
18.	President, Forward Seamen's Union of India (FSUI) [Representative of seamen]

[F. No. SS-18011/1/2005-SL]

R. N. TRIPATHI, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 6 सितम्बर, 2006

का.आ. 3685.—केन्द्र सरकार ने भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1)(क) के खण्ड (क) के अनुसरण में तथा सिविकम सरकार के साथ परामर्श करके डा. (श्रीमती) उमा प्रधान को इस अधिसूचना के जारी होने की तारीख से पांच बर्षों की अवधि के लिए भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में मनोनीत किया है।

अतः अब, उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंध के अनुसरण में, केंद्र सरकार एतद्वारा भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना संख्या का.आ. 138 में निम्नलिखित और संशोधन करती है अर्थात् :—

उक्त अधिसूचना में 'धारा 3 की उपधारा (1) के खण्ड (क) के अधीन मनोनीत' शीर्षक के अंतर्गत क्रम संख्या 19 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

“19. डा. (श्रीमती) उमा प्रधान, सिविकम सरकार
टेलीफोन एक्सचेंज बिल्डिंग,
देवराली बाजार, गंगटोक,
पिन-737102

[संख्या वी-11013/1/2005-एम ई (नीति-1)]

के. वी. एस. राव, अवर सचिव

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health & Family Welfare)

New Delhi, the 6th September, 2006

S.O. 3685.—Whereas the Central Government, in pursuance of clause (a) of sub-section (1) (a) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Sikkim have nominated Dr. (Mrs.) Uma Pradhan to be a member of the Medical Council of India for a period of five years with effect from the date of issue of this notification.

Now, therefore, in pursuance of the provision of sub-section (1)(a) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the then

Ministry of Health number S.O. 138, dated the 9th January, 1960, namely;

In the said notification, under the heading, 'Nominated under clause (a) of sub-section (1) of Section 3', for serial number 19 and the entries thereto, the following serial number and entries shall be substituted, namely :—

"19. Dr. (Mrs.) Uma Pradhan, Government of Telephone Exchange Sikkim" Building, Deorali Bazar, Gangtok, Gangtok, PIN-737102.

[No. V-11013/1/2005-ME(Policy-I)]

K. V. S. RAO, Under Secy.

नई दिल्ली, 6 सितम्बर, 2006

का.आ. 3686.—केन्द्र सरकार ने भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1)(क) के खण्ड (क) के अनुसरण में तथा उत्तरांचल सरकार के साथ परामर्श करके डा. आई.एस. पाल, सलाहकार (स्वास्थ्य), उत्तरांचल सरकार को इस अधिसूचना के जारी होने की तारीख से पांच बर्षों की अवधि के लिए भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में मनोनीत किया है।

अतः अब, उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंध के अनुसरण में, केंद्र सरकार एतद्वारा भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना संख्या का.आ. 138 में निम्नलिखित और संशोधन करती है अर्थात् :—

उक्त अधिसूचना में 'धारा 3 की उपधारा (1) के खण्ड (क) के अधीन मनोनीत' शीर्षक के अंतर्गत क्रम संख्या 26 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

"26. डा. आई.एस. पाल, उत्तरांचल सरकार"

एकता एन्क्लेव,
नेहरूग्राम रोड, नाथनपुर,
जोगीवाला, देहरादून
पिन-248001

[संख्या वी-11013/1/2005-एम ई (नीति-1)]

के. वी.एस. राव, अवर सचिव

New Delhi, the 6th September, 2006

S.O. 3686.—Whereas the Central Government, in pursuance of clause (a) of sub-section (1) (a) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Uttranchal have nominated Dr. I. S. Pal, advisor (Health), Government of Uttranchal to be a member of the Medical Council of India for a period of five years with effect from the date of issue of this notification.

Now, therefore, in pursuance of the provision of sub-section (1)(a) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the then Ministry of Health number S.O. 138, dated the 9th January, 1960, namely :

In the said notification, under the heading, 'Nominated under clause (a) of sub-section (1) of section 3', for serial number 26 and the entries thereto, the following serial number and entries shall be substituted, namely :—

"26. Dr. I. S. Pal, Government of
Ekta Enclave, Uttranchal"
Nehrugram Road,
Nathanpur,
Jogiwala, Dehradun
PIN-248001.

[No. V-11013/1/2005-ME(Policy-I)]

K. V. S. RAO, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 5 सितम्बर, 2006

का.आ. 3687.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 63:2006 पेन्ट और पुट्टी की वाइटिंग-विशिष्टि (तीसरा पुनरीक्षण)	—	30 जून, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, भूम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सी एच डी 20/आई एस 63]

डा. यू. सी. श्रीवास्तव, वैज्ञा.-एफ, निदेशक एवं प्रमुख (रसायन)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 5th September, 2006

S.O. 3687.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 63 : 2006 Whiting for Paint and Putty- Specification (Third Revision)	—	30 June, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch officers : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CHD 20/IS 63]

Dr. U. C. SRIVASTAVA, Sc. F., Director & Head (Chemical)

नई दिल्ली, 5 सितम्बर, 2006

का.आ. 3688.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 915 : 2006 एक चिन्ह वाली आयतनी फ्लास्क- विशिष्टि (दूसरा पुनरीक्षण)	—	01 सितम्बर, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सी एच डी 10/आई एस 915]

डा. यू. सी. श्रीवास्तव, वैज्ञा.-एफ, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 5th September, 2006

S.O. 3688.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed have been established on the date indicated below :—

SCHEDULE

Sl. No.	No. and Title of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 915 : 2006 One-Mark Volumetric Flask— Specification (Second Revision)	—	01 September, 2006

Copy to the Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CHD 10/IS-915]

Dr. U. C. SRIVASTAVA, Sc. F, Director & Head (Chemical)

नई दिल्ली, 5 सितम्बर, 2006

का.आ. 3689.—भारतीय मानक ब्यूरो नियम, 1987 के नियम, 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)

1.	आई एस 15656 : 2006 खतरा ज्ञात करना और जोखिम विश्लेषण-रीति सहित	31 मई, 2006
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इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सी एच डी 8/आई एस 15656]

डा. यू. सी. श्रीवास्तव, वैज्ञा.-एफ, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 5th September, 2006

S.O. 3689.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 15656 : 2006 Hazard Identification and Risk Analysis—Code of Practice	—	31 May, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002, and Regional Offices : New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : CHD 8/IS 15656]

Dr. U. C. SRIVASTAVA, Sc. F., Director & Head (Chemical)

नई दिल्ली, 5 सितम्बर, 2006

का.आ. 3690.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गए हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 2339 : 1963 सामान्य उपयोग के लिए एल्यूमिनियम पेंट—विशिष्टि	संशोधन संख्या 4, अप्रैल 2006	31 अगस्त, 2006

इन संशोधनों की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सी एच डी 20/आई एस 2339]

डॉ. यू. सी. श्रीवास्तव, वैज्ञ-एफ, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 5th September, 2006

S.O. 3690.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 2339 : 1963 Specification for Aluminium Paint for General Purposes	Amendment No. 4, April 2006	31 August, 2006

2733G/06-2

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : CHD 20/IS 2339]

Dr. U. C. SRIVASTAVA, Sc. F., Director & Head (Chemical)

नई दिल्ली, 5 सितम्बर, 2006

का.आ. 3691.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया किये गए हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 3008 : 2002 जूते काले करने वाले ब्रूश—विशिष्टि (तीसरा पुनरीक्षण)	संशोधन संख्या 3, जुलाई 2006	15 सितम्बर, 2006
2.	आई एस 4580 : 1986 शेव करने वाले ब्रूश—विशिष्टि (पहला पुनरीक्षण)	संशोधन संख्या 3, अगस्त 2006	31 अगस्त, 2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनंतपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सी एच डी 24/आई एस 4580]

डॉ. यू. सी. श्रीवास्तव, वैज्ञा-एफ, निदेशक एवं प्रमुख (सायन)

New Delhi, the 5th September, 2006

S.O. 3691.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 3008 : 2002 Brushes Shoe Blacking—Specification (Third Revision)	Amendment No. 3, July 2006	15 September, 2006
2.	IS 4580 : 1986 Specification for Brushes, Shaving (First Revision)	Amendment No. 3, August 2006	31 August, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : CHD 24/IS 4580]

Dr. U. C. SRIVASTAVA, Sc. F., Director & Head (Chemical)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 7 सितम्बर, 2006

का.आ. 3692.—यतः, केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में आर.ओ.यू. पाइपलाइन स्थानांतरण : पी.एस.पी. # 24 से पी.एस.ए.एल. से पी.एस.पी. # 8 तक पेट्रोलियम के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ;

और, अतः यह प्रतीत होता है कि ऐसी लाइनों के बिछाने के प्रयोजन के लिये एतद्वाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है ;

अतः, अब, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है ;

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग राजामन्द्र एसट/के. जी.बेसिन, ओ.एन.जी.सी. गोदावरी भवन, राजामन्द्र, आन्ध्र प्रदेश अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ;

और ऐसा आक्षेप करने वाला हर व्यक्ति यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

आर.ओ.यू. पाइपलाइन : स्थानांतरण पी.एस.पी. # 24 से पी.एस.ए.एल. से पी.एस.पी. # 8

राज्य : आन्ध्र प्रदेश	मंडल : अल्लावाराम				
जिला : पूर्व गोदावरी	गांव : अल्लावाराम				
आर.एस.नं.	हैक्टर्स	एस	सेन्टेएस	एकड़	सेटंस
1	2	3	4	5	6
329/3एफ2	0	01	0	0	02
329/3एचपी	0	01	0	0	03
329/3जीपी	0	04	0	0	10
329/3डी2	0	05	0	0	12
329/3ए2	0	03	0	0	08
329/3बी2	0	03	0	0	07
329/3ए1	0	03	0	0	07
329/2बी1	0	02	0	0	05
329/1सीपी	0	01	0	0	03
335/2सीपी	0	04	5	0	11

1	2	3	4	5	6
335/5एपी	0	01	0	0	03
335/6पी	0	05	0	0	12
335/3बी2	0	09	5	0	24
335/3बी1	0	05	0	0	12
जोड़	0	48	0	1	19

[फा. सं. ओ-12016/39/2006-ओ एन जी/डी ओ-III]

ओ.पी. बनवारी, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 7th September, 2006

S.O. 3692.—Whereas, it appears to the Central Government that is necessary in the public interest that for the transport of petroleum from “for diversion of PSP # 24 to PSAL to PSP # 8 ROU pipelines” in the A.P. state pipeline should be laid by the Oil and Natural Gas Corporation Ltd.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the the Petroleum and Minerals Pipelines (Acquisition of Right of Users in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Provided that any person interested in the said land may object within 21 days from the date of this notification, to laying the pipeline under the land to the Competent Authority Oil and Natural Gas Corporation Ltd., Rajamundry Asset/K.G. Basin, Godavari Bhavan, Base Complex, Rajahmundry, Andhra Pradesh ;

And every person making such an objections shall also state specifically whether he wised to be hear in persons or by legal Practitioner.

SCHEDULE

ROU PIPE LINE FOR DIVERSION OF PSP # 24
TO PSAL TO PSP # 8

State : Andhra Pradesh	Mandal : Alla varam				
District : East Godavari	Village : Alla varam				
R.S. No.	Hectares	Ares	Centi	Acres	Cents
1	2	3	4	5	6
329/3F2	0	01	0	0	02
329/3HP	0	01	0	0	03
329/3GP	0	04	0	0	10
329/3D2	0	05	0	0	12

1	2	3	4	5	6
329/3A2	0	03	0	0	08
329/3B2	0	03	0	0	07
329/3A1	0	03	0	0	07
329/2B1	0	02	0	0	05
329/1CP	0	01	0	0	03
335/2CP	0	04	5	0	11
335/5AP	0	01	0	0	03
335/6P	0	05	0	0	12
335/3B2	0	09	5	0	24
335/3B1	0	05	0	0	12
TOTAL	0	48	0	1	19

[F. No. O-12016/39/2006-ONG/DO-III]

O.P. BANWARI, Under Secy.

नई दिल्ली, 7 सितम्बर, 2006

का.आ. 3693.—केन्द्रीय सरकार को पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्रकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 730 तारीख 23-2-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में ओ.एन.जी.सी. के. जी. बेसिन, राजामंड्रि एस्ट द्वारा आन्ध्र प्रदेश राज्य में के. वी. डी. ए. से के. वि. ए. डी. परियोजना तक माध्यम से गैस के परिवहन के लिये पाइपलाइन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 27-6-2005 से उपलब्ध करा दी गई थीं;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अनुनुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में पाइपलाइन बिछाने के लिये उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देते हैं कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय, पाइपलाइन बिछाने का प्रस्ताव करने वाली ओ.एन.जी.सी. में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग के अधिकार, इस प्रकार अधिरोहित निबंधनों और शर्तों के अधीन रहते हुए, सभी विलंगमों से मुक्त ओ.एन.जी.सी., के.जी. बेसिन, राजामंड्रि एस्ट में निहित होगा।

अनुसूची

आर. ओ. चू. पाइपलाइन : के.वी.डी.ए. से के.वी.ए.डी.

राज्य :	आन्ध्र प्रदेश	मंडल :	सकिनेटिपल्ली		
जिला :	पूर्व गोदावरी	गांव :	अंतरबेदी		
आर. एस. नं	हेक्टेएर्स	एर्स	सेन्ट्रेएर्स	एकड़	सेन्ट्रस
1	2	3	4	5	6
680/2ए	0	01	5	0	04
680/2बी	0	02	0	0	05
682/1ए	0	02	5	0	06
682/1बी	0	02	0	0	05
682/1सी	0	02	0	0	05
682/2ए	0	01	0	0	02
682/2बी	0	01	5	0	04
682/2सी	0	02	0	0	05
683/1ए	0	10	0	0	25
684/3ए	0	04	0	0	10
683/1बी	0	01	0	0	03
684/3बी	0	05	5	0	13
684/3डी	0	01	5	0	04
684/3ई	0	02	5	0	06
684/4ए	0	01	5	0	04
जोड़	0	40	5	1	01

[फा. सं. ओ.-12016/12/2006-ओ एन जी/डी ओ-III]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 7th September, 2006

S.O. 3693.—Whereas by Notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 730 dated 23-2-2005 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the

Right of User in the lands specified in the Schedule appended to that Notification for the purpose of laying pipeline flow line from KVDA to KVAD in the State of Andhra Pradesh, a pipeline should be laid by the ONGC—RJY;

And whereas copies of the said Gazette Notifications were made available to the public from 27-06-2005.

And whereas no objections have been received from the public to the laying of the pipeline by the Competent Authority;

And whereas the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule.

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedules appended to this Notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of this declaration, in the ONGC, K.G. Project/Rajahmundry Asset, free from encumbrances.

SCHEDULE

ROU PIPELINE FROM KVDA to KVAD I/C

R.S. No.	Hectares	Ares	Centi Ares	Acres		Cents
				Acres	Cents	
1	2	3	4	5	6	
680/2A	0	01	5	0	04	
680/2B	0	02	0	0	05	
682/1A	0	02	5	0	06	
682/1B	0	02	0	0	05	
682/1C	0	02	0	0	05	
682/2A	0	01	0	0	02	
682/2B	0	01	5	0	04	
682/2C	0	02	0	0	05	
683/1A	0	10	0	0	25	
683/3A	0	04	0	0	10	
683/1B	0	01	0	0	03	
684/3B	0	05	5	0	13	

1	2	3	4	5	6
684/3D	0	01	5	0	04
684/3E	0	02	5	0	06
684/4A	0	01	5	0	04
TOTAL	0	40	5	1	01

[F. No. O-12016/12/2006-ONG/DO-III]

O. P. BANWARI, Under Secy.

नई दिल्ली, 7 सितम्बर, 2006

का.आ. 3694.—केन्द्रीय सरकार को पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मन्त्रालय की अधिसूचना संख्या का.आ. 735, तारीख 23-2-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में ओ. एन. जी. सी. के. जी. बेसिन, राजामंड्रि एसट द्वारा आन्ध्र प्रदेश राज्य में पी.एस.ए.के. से येनुगुपाल्ली-2 परियोजना तक माध्यम से गैस के परिवहन के लिये पाइपलाइन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 27-06-2005 से उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्रधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्रधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देते हैं कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय, पाइपलाइन बिछाने का प्रस्ताव करने वाली ओ.एन.जी.सी. में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग के अधिकार, इस प्रकार अधिरोहित निवंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त ओ.एन.जी.सी. के.जी. बेसिन, राजामंड्रि एसट में निहित होगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देते हैं कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय, पाइपलाइन बिछाने का प्रस्ताव करने वाली ओ.एन.जी.सी. में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग के अधिकार, इस प्रकार अधिरोहित निवंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त ओ.एन.जी.सी. के.जी. बेसिन, राजामंड्रि एसट में निहित होगा।

अनुसूची

आर. ओ. यू. पाइपलाईन : पी.एस.ए.के. से येनुगुपाल्ली-2

राज्य : आंध्र प्रदेश	मंडल : मामीडीकुदुरु				
जिला : पूर्व गोदावरी	गांव : पासरलापुडी				
आर. एस. नं.	हेक्टेएस	एस	सेन्टेएस	एकड़	सेन्ट्स
115/3बी1	0	06	0	0	15
115/3ए1	0	16	0	0	39
115/1ए	0	05	5	0	14
36/1बी	0	04	0	0	10
35/5	0	03	0	0	08
35/6.	0	03	0	0	08
35/4	0	03	5	0	09
35/3	0	04	0	0	10
35/1पार्ट	0	04	5	0	11
35/2पार्ट	0	04	5	0	11
33/1सी	0	04	5	0	11
33/1डी	0	03	0	0	08
33/1बी	0	05	0	0	12
32/1सी	0	08	5	0	21
33/1ए	0	04	5	0	11
32/1बी	0	07	5	0	19
32/1ए	0	04	0	0	10
25/2पार्ट	0	01	5	0	04
25/1एपार्ट	0	17	0	0	42
16/1ए,2ए,7एपार्ट					
8एपी	0	03	0	0	07
18/1पार्ट	0	01	5	0	04
16/ए,2ए,7ए,8ए	0	03	0	0	07
18/1पार्ट	0	01	5	0	04
16/1ए,2ए,7ए,8एपी	0	03	0	0	07
18/1पार्ट	0	01	5	0	04
16/1ए,2ए,7ए,8ए	0	03	0	0	07
18/1पार्ट	0	01	5	0	04
16/1ए,2ए,7ए,8ए	0	03	0	0	07
18/1पार्ट	0	01	5	0	04
TOTAL:	1	32	5	3	28

[फा.सं. ओ.-12016/13/2006-ओ एन जी/डी ओ-III]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 7th September, 2006

S.O. 3694.—Whereas by Notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 735 dated 23-2-2005 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that Notification for the purpose of laying pipeline PSAK to ENUGUPALLI-2 in the State of Andhra Pradesh, a pipeline should be laid by the ONGC—RJY;

And whereas copies of the said Gazette Notifications were made available to the public from 27-06-2005.

And whereas no objections have been received from the public to laying of the pipeline by the Competent Authority;

And whereas the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule.

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule appended to this Notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of this declaration, in the ONGC, K.G. Project/Rajahmundry Asset, free from encumbrances.

SCHEDULE

ROU PIPE LINE FROM PSAK to ENUGUPALLI-2

State :	Andhra Pradesh Mandal : Mamidikuduru				
District :	East Godavari Village : Pasarlapudi				
R.S. No.	Hectares	Ares	Centi ares	Acres	Cents
1	2	3	4	5	6
115/3B1	0	06	0	0	15
115/3A1	0	16	0	0	39
115/1A	0	05	5	0	14
36/1B	0	04	0	0	10
35/5	0	03	0	0	08
35/6	0	03	0	0	08

1	2	3	4	5	6
35/4	0	03	5	0	09
35/3	0	04	0	0	10
35/1Pt	0	04	5	0	11
35/2Pt	0	04	5	0	11
33/1C	0	04	5	0	11
33/1D	0	03	0	0	08
33/1B	0	05	0	0	12
32/1C	0	08	5	0	21
33/1A	0	04	5	0	11
32/1B	0	07	5	0	19
32/1A	0	04	0	0	10
25/2Pt	0	01	5	0	04
25/1APt	0	17	0	0	42
16/1A, 2A, 7Apt,					
8Ap	0	03	0	0	07
18/1Pt	0	01	5	0	04
16/A, 2A, 7A, 8A	0	03	0	0	07
18/1Pt	0	01	5	0	04
16/1A,2A,7A,8AP	0	03	0	0	07
18/1Pt	0	01	5	0	04
16/1A, 2A, 7A, 8A	0	03	0	0	07
18/1Pt	0	01	5	0	04
16/1A, 2A, 7A, 8A	0	03	0	0	07
18/1Pt	0	01	5	0	04
TOTAL:	1	32	5	3	28

[F. No. O-12016/13/2006-ONG/DO-III]

O. P. BANWARI, Under Secy.

नई दिल्ली, 7 सितम्बर, 2006

का.आ. 3695.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंलालय की अधिसूचना संख्या का.आ. 734, तारीख 23-2-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में ओ. एन. जी. सी., के. जी. बेसिन, राजमुद्रि एसट द्वारा आन्ध्र प्रदेश राज्य में पी.एस.ए.वो.से पासरलापुड़ी-12 1/C परियोजना तक माध्यम से गैस के परिवहन के लिये पाइपलाइन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 27-06-05 से उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हे अनुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में पाइपलाइन बिछाने के लिये उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निवेश देते हैं कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय, पाइपलाइन बिछाने का प्रस्ताव करने वाली ओ.एन.जी.सी. में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग के अधिकार, इस प्रकार अधिरोहित निबंधनों और शर्तों के अधीन रहते हुए, सभी विलंगमों से मुक्त ओ.एन.जी.सी., के.जी. बेसिन, राजमुद्रि एसट में निहित होगा।

अनुसूची

आर. ओ. यू. पाइप लाईन : पी.एस.ए.ओ. से पासरलापुड़ी-12 1/C

राज्य :	आन्ध्र प्रदेश	मंडल :	मामीडीकुदुर		
जिले :	पूर्व गोदावरी	गांव :	पासरलापुड़ी		
आर. एस. नं	हेक्टेएर्स	एस	सेंटीएर्स	एकड़	सेन्ट्स
1	2	3	4	5	6
401/2D	0	00	5	0	01
401/2F	0	01	5	0	035
401/4C	0	03	0	0	07
401/5B	0	02	0	0	05
401/61	0	03	5	0	075
TOTAL:	0	10	5	0	24

[फा. सं. ओ.-12016/14/2006-ओ एन जी/डी ओ III]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 7th September, 2006

S.O. 3695.—Whereas by Notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 734 dated 23-2-2005 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipe Lines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the Right of User in the land specified in the Schedule appended to that Notification for the purpose of laying

pipe line PSAO to PASARLAPUDI-12 1/C in the State of Andhra Pradesh, a pipeline should be laid by the ONGC—RJY;

And whereas copies of the said Gazette Notifications were made available to the public from 27-06-2005.

And whereas no objections have been received from the public to the laying of the pipeline by the Competent Authority;

And whereas the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule.

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule appended to this Notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of this declaration, in the ONGC, K.G. Project/Rajahmundry Asset, free from encumbrances.

SCHEDULE

ROU PIPE LINE FROM PSAO to PASARLAPUDI-12 1/C

State :	Andhra Pradesh Mandal : Mamidikuduru				
District :	East Godavari		Village :	Pasarlapudi	
R.S. No.	Hectares	Ares	Centi ares	Acres	Cents
1	2	3	4	5	6
401/2D	0	00	5	0	01
401/2F	0	01	5	0	035
401/4C	0	03	0	0	07
401/5B	0	02	0	0	05
401/6I	0	03	5	0	075
TOTAL:	0	10	5	0	24

[F. No. O-12016/14/2006-ONG/DO-III]

O. P. BANWARI, Under Secy.

नई दिल्ली, 7 सितम्बर, 2006

का.आ. 3696.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम

कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 730, तारीख 23-2-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में ओ.एन.जी.सी., के. जी. बेसिन, राजामुंद्री एसट द्वारा आन्ध्र प्रदेश राज्य में के.वी.ए.सी. से के.वी.ए.ए. परियोजना तक माध्यम से गैस के परिवहन के लिये पाइपलाइन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 27-06-05 से उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्रधिकारी द्वारा विचार कर लिया गया है और उन्हे अनुनुज्ञात कर दिया गया है;

और सक्षम प्रधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में पाइपलाइन बिछाने के लिये उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देते हैं कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय, पाइपलाइन बिछाने का प्रस्ताव करने वाली ओ.एन.जी.सी. में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग के अधिकार, इस प्रकार अधिरोहित निबंधनों और शर्तों के अधीन रहते हुए, सभी विलंगमों से मुक्त ओ.एन.जी.सी., के.जी. बेसिन, राजामुंद्री एसट में निहित होगा।

अनुसूची

आर. ओ. यू. पाइपलाइन : के.वी.ए.सी से के.वी.ए.ए.
परियोजना तक

राज्य :	आन्ध्र प्रदेश	मंडल :	सकोनेटिपली
जिला :	पूर्व गोदावरी	गांव :	अंतरवेदी
आर. एस. नं.	हेक्टेएर्स	एस सेटीएस	एकड़ सेन्ट्स
1	2	3	4
887/1A2pt	0	05	0
887/1Bpt	0	08	0
			12
			20

1	2	3	4	5	6	1	2	3	4	5	6
884/pt	0	01	0	0	025	725/6C	0	01	0	0	035
883/pt	0	01	0	0	02	727/1B	0	03	0	0	08
849/2pt	0	03	0	0	075	727/1C	0	03	0	0	07
849/3pt	0	01	0	0	035	726/3	0	04	5	0	11
847/1	0	05	5	0	13	726/4A	0	03	5	0	09
849/9pt, 3pt	0	01	0	0	02	726/4Bpt	0	03	0	0	08
849/9pt	0	03	0	0	07	726/12	0	01	5	0	06
849/10pt	0	01	5	0	04	726/14	0	01	5	0	04
849/10Bpt	0	00	5	0	01	726/15, 18, 19	0	04	0	0	10
849/13pt	0	01	5	0	04	725/2A	0	05	0	0	14
849/17F	0	01	0	0	03	725/1A	0	03	5	0	09
849/14pt	0	03	0	0	07	725/6B	0	07	5	0	18
849/17C	0	01	0	0	02	725/6A	0	02	0	0	055
849/15	0	08	0	0	20	749/1A	0	06	0	0	12
849/17pt	0	01	0	0	03	749/1B	0	02	5	0	06
849/17Bpt	0	00	5	0	15	749/1C	0	02	5	0	06
849/17E	0	00	5	0	0	749/1D	0	02	5	0	065
849/17D	0	01	0	0	03	749/1E	0	02	5	0	068
850/5B	0	10	0	0	25	749/1F	0	06	0	0	155
581/1A	0	03	0	0	085	TOTAL	2	31	0	5	71
848/1A	0	03	0	0	07						
848/1B1	0	01	5	0	04						
851/1B	0	03	5	0	095						
848/1B2	0	02	0	0	05						
848/3pt	0	07	5	0	19						
847/6	0	02	0	0	05						
847/2	0	04	0	0	105						
847/3	0	03	0	0	75						
847/5	0	04	0	0	105						
847/4	0	02	0	0	05						
847/7	0	05	0	0	12						
847/8	0	04	5	0	115						
846/1A1	0	02	0	0	055						
846/1A2A	0	02	0	0	05						
846/1A2pt	0	10	0	0	25						
846/1B1pt	0	03	5	0	09						
846/1B3	0	07	5	0	19						
846/1B4	0	03	5	0	09						
728/1	0	11	5	0	295						
728/2	0	07	5	0	195						
727/1A	0	10	5	0	265						

2733G/06-3

[फा. सं. अ. -12016/9/2006-ओ एन. जी/डी ओ- III]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 7th September, 2006

S.O.3696.—Whereas by Notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 733, dated 25-2-2005 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that Notification for the purpose of laying pipeline KVAC to KVAA in the State of Andhra Pradesh, a pipeline should be laid by the ONGC—RJY;

And whereas copies of the said Gazette Notifications were made available to the public from 27-06-2005.

And whereas no objections have been received from the public to laying of the pipeline by Competent Authority;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedules appended to this Notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of this declaration, in the ONGC, K.G. Project/Rajahmundry Asset, free from encumbrances.

SCHEDULE

ROU PIPE LINE FROM KVAC TO KVAA

R.S. No.	Hectares		Ares		Centi Ares	Acres	Cents
	1	2	3	4		5	6
887/1A2pt	0	05	0	0	0	12	
887/1Bpt	0	08	0	0	0	20	
884/pt	0	01	0	0	0	025	
883/pt	0	01	0	0	0	02	
849/2pt	0	03	0	0	0	075	
849/3pt	0	01	0	0	0	035	
847/1	0	05	5	0	0	13	
849/9pt, 3pt	0	01	0	0	0	02	
849/9pt,	0	03	0	0	0	07	
849/10pt	0	01	5	0	0	04	
849/10Bpt	0	00	5	0	0	01	
849/13pt	0	01	5	0	0	04	
849/17F	0	01	0	0	0	03	
849/14pt	0	03	0	0	0	07	
849/17C	0	01	0	0	0	02	
849/15	0	08	0	0	0	20	
849/17pt	0	01	0	0	0	03	
849/17Bpt	0	00	5	0	0	15	
849/17E	0	00	5	0	0	01	
849/17D	0	01	0	0	0	03	
850/5B	0	10	0	0	0	25	
581/1A	0	03	0	0	0	085	
848/1A	0	03	0	0	0	07	

	1	2	3	4	5	6
848/1B1		0	01	5	0	04
851/1B		0	03	5	0	095
848/1B2		0	02	0	0	05
848/3pt		0	07	5	0	19
847/6		0	02	0	0	05
847/2		0	04	0	0	105
847/3		0	03	0	0	075
847/5		0	04	0	0	105
847/4		0	02	0	0	05
847/7		0	05	0	0	12
847/8		0	04	5	0	115
846/1A1		0	02	0	0	055
846/1A2A		0	02	0	0	05
846/1A2pt		0	10	0	0	25
846/1B1pt		0	03	5	0	09
846/1B3		0	07	5	0	19
846/1B4		0	08	5	0	09
728/1		0	11	5	0	295
728/2		0	07	5	0	195
727/1A		0	10	5	0	265
727/6C		0	01	0	0	035
727/1B		0	03	0	0	08
727/1C		0	03	0	0	07
726/3		0	04	5	0	11
726/4A		0	03	5	0	09
726/4Bpt		0	03	0	0	08
726/12		0	01	5	0	045
726/14		0	01	5	0	04
726/15, 18, 19		0	04	0	0	10
725/2A		0	05	5	0	14
725/1A		0	03	5	0	09
725/6B		0	07	5	0	18
725/6A		0	02	0	0	055
749/1A		0	05	0	0	12
749/1B		0	02	5	0	06
749/1C		0	02	5	0	06
749/1D		0	02	5	0	065
749/1E		0	02	5	0	065
749/1F		0	06	0	0	155
TOTAL	2	31	0	5	71	

[F. No. O-12016/9/2006-ONG/DO-III]

O. P. BANWARI, Under Secy.

नई दिल्ली, 7 सितम्बर, 2006

का.आ. 3697.—केन्द्रीय सरकार को पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 737 तारीख 23-2-2005 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में ओ.एन.जी.सी. के.जी. बेसिन, राजमार्ग एसट पासरलापुडी 27 से पासरलापुडी 1 आई/सी परियोजना तक माध्यम से गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियों जनता को तारीख 6-7-2005 से उपलब्ध करा दी गई थीं;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अनुजात कर दिया गया है;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में पाइपलाइन बिछाने के लिये उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली ओ.एन.जी.सी. में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग के अधिकार, इस प्रकार अधिरोहित निबंधनों और शर्तों के अधीन रहते हुए, सभी विलंगमों से मुक्त ओ.एन.जी.सी., के.जी. बेसिन, राजमार्ग एसट में निहित होगा।

अनुसूची

आर.ओ.यू. पाइप लाइन : पासरलापुडी # 27 से
पासरलापुडी 1 आई/सी तक

राज्य : आन्ध्र प्रदेश	मंडल : मामीडीकुदुर्ल				
जिला : पूर्व गोदावरी	गांव : पासरलापुडी				
आर.एस. नं.	हैक्टर्स	एर्स	सेन्टर्स	एकड़	सेंटस
1	2	3	4	5	6
101/1बी	0	06	0	0	15
140/3बी	0	14	0	0	35

1	2	3	4	5	6
140/2बी	0	08	0	0	20
140/1बी,4बी	0	08	0	0	20
141/1एफ2	0	02	5	0	06
139/2	0	01	5	0	04
138/3बी2	0	08	5	0	21
141/2बी	0	03	5	0	09
141/1डी2	0	06	5	0	16
141/1ई2	0	05	5	0	14
जोड़	0	65	0	1	60

[फा. सं. ओ-12016/10/2006-ओएनजी/डीओ-III]

ओ.पी. बनवारी, अवर सचिव

New Delhi, the 7th September, 2006

S.O. 3697.—Whereas by Notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.No. 737 dated 23-02-2005 issued under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipe Lines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (herein after referred to as the said Act), the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that Notification for the purpose of laying pipe line Pasarlapudi - 27 to Pasarlapudi 1 I/C in the State of Andhra Pradesh, a pipeline should be laid by the ONGC - RJY;

And whereas copies of the said Gazette Notifications were made available to the public from 06-07-05;

And whereas no objections have been received from the public to laying of the pipeline by the Competent Authority;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedules appended to this Notification is hereby acquired for laying the pipe line;

And further in exercise of the powers conferred by Sub-Section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the

be held by the project shall, instead of vesting in the
Government, vest, on this date of the publication
of this declaration, in the ONGC, K.G. Project/Rajahmundry
Asset, free from encumbrances.

MICHIGAN

ROU Pipe Line 1000 mtr. from Pudi-27 to Pasarlapudi-1 L/C

State : Andhra Pradesh Mandal : Mamidikuduru
District : East Godavari Village : Pasarlapudi

R.S. No.	Hectares	Ares		Centi- Ares		Acres	Cents
		3	4	5	6		
101/1B	0	06	0	0	0	15	
140/3B	0	14	0	0	0	35	
140/2B	0	08	0	0	0	20	
140/1B,4B		08	0	0	0	20	
141/1F2			5	0	0	06	
139/2	0	04	5	0	0	04	
138/3B2	0	13	5	0	0	21	
141/2B	0	03	5	0	0	09	
141/1D2	0	06	5	0	0	16	
141/1E2	0	05	5	0	0	14	
TOTAL:	0	65	0	1	60		

[F. No. Q-12016/10/2006-ONG/DO-III]

O.P. BANWARI, Under Secy.

नई दिल्ली, 7 सितम्बर, 2006

का. आ. 3698.—केन्द्रीय सरकार को पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 754 तारीख 23-2-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में ओ. एन. जी. सी. के जी. सी. बेसिन, राजार्मांद्रि एसट द्वारा आश्र्य प्रदेश राज्य में एल. जो. डी. सी. से जी. सी. एस. लिंगला परियोजना तक माध्यम से जी.वे. के परिवहन के लिये पाइपलाइन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 14-7-2005 से उपलब्ध करा दी गई थीं;

और पाइपलाइन विद्याने के लकड़े में जनता से प्राप्त आक्षेपों पर सक्षम प्रधिकारी द्वारा विचार कर लेता रहा है और उन्हें अनुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने उक्त अंधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी हैं:

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसने उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है:

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में पाइपलाइन विद्युत के लिये उपयोग के अधिकार का अर्जन किया जाता है:

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देते हैं कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार इसके घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय, पाइपलाइन बिछाने का प्रस्ताव करने वाली ओ.एन.जी.सी. में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग के अधिकार, इसके प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त ओ.एन.जी.सी., के.जी. बेसिन, राजामुंद्री एसट में निहित होगा ।

अनुसूची

आर. ओ. यू. पाइप लाईन : एल.जी.डी.सी. से जी.सी.एस.
लिंगाला

राज्य :	आंश्च प्रदेश	मंडल :	मुदिनेपल्ली		
जिले :	पूर्व गोदावरी	गांव :	पेरिकिंगुडेम		
आर. एस. नं	हेक्टेएर्स	एर्स	सेन्टीएर्स	एकड़	सेन्ट्स
1	2	3	4	5	6
883/3ए	0	00	5	0	01
883/3बी	0	06	0	0	15
883/4ए	0	02	5	0	06
883/4बी	0	01	0	0	03
883/4सी	0	02	5	0	06
883/4डी	0	01	0	0	03
883/4ई	0	01	0	0	03
884/1पी	0	03	0	0	07
884/2पी	0	02	0	0	05
884/10पी	0	05	0	0	12
884/4पी	0	03	5	0	09
जोड़	0	28	5	0	70

[फार्सं. ओ-12016/17/2006-ओ एन जी/डी ओ-III]

ओ. पी. बनवारी. अवर सचिव

New Delhi, the 7th September, 2006

S.O. 3698.—Whereas by Notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 754 dated 23-2-2006 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipe Lines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that Notification for the purpose of laying pipeline LGDC to GCS II LINGALA in the State of Andhra Pradesh, a pipeline should be laid by the ONGC—RJY;

And whereas copies of the said Gazette Notifications were made available to the public from 14-7-2005:

And whereas no objections have been received from the public to laying of the pipeline by the Competent Authority;

And whereas the Competent Authority has, under Sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule.

Now, therefore, in exercise of the powers conferred by Sub-section (i) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedules appended to this Notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of this declaration, in the ONGC, K.G. Project/Rajahmundry Asset, free from encumbrances.

SCHEDULE

ROU PIPELINE FROM LGDC to LINGALA

R.S. No.	Hectares		Ares		Cents Ares	Acres	Cents
	1	2	3	4		5	6
883/3A	0	00	5	0	01		
883/3B	0	06	0	0	15		
883/4A	0	02	5	0	06		
883/4B	0	01	0	0	03		

	1	2	3	4	5	6
883/4C		0	02	5	0	06
883/4D		0	01	0	0	03
883/4E		0	01	0	0	03
884/1P		0	03	0	0	07
884/2P		0	02	0	0	06
884/10P		0	05	0	0	12
884/4P		0	03	5	0	09
TOTAL		0	28	5	0	70

[F. No. O-12016/17/2006-ONG/DO-III]

O.P. BANWARI, Under Secy.

नई दिल्ली, 7 सितम्बर, 2006

का. आ. 3699.—केन्द्रीय सरकार को पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 736 तारीख 23-2-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में ओ. एन. जी. सी. के. जी. बेसिन, राजामुंद्रि एसट द्वारा आन्ध्र प्रदेश राज्य में पी. एस. ए. एल. से पासारलापुडी-8 परियोजना तक माध्यम से गैस के परिवहन के लिये पाइपलाइन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषण की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 28-06-2005 से उपलब्ध करा दी गई थीं;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अनुमति दिया गया है;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइप लाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में पाइपलाइन बिछाने के लिये उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निरेश देते हैं कि

पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली ओ.एन.जी.सी. में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग के अधिकार, इस प्रकार अधिरोहित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त ओ.एन.जी.सी., के जी. बेसिन, राजमुद्रि एसट में निहित होगा।

अनुसूची

आर. ओ. यू. पाइप लाइन : पी.एस.ए.एल. से
पासारल्लापुडी-8

राज्य :	आन्ध्र प्रदेश	मंडल :	अल्लावाराम		
जिला :	पूर्व गोदावरी	गांव :	गुडाला		
आर. एस. नं	हेक्टेएर्स	एर्स	सेन्टीएर्स	एकड़	सेन्ट्स
1	2	3	4	5	6
188/2ए	0	01	0	0	02
188/2बी	0	04	5	0	11
188/2सी	0	03	0	0	07
285/1डी	0	00	5	0	00 1/2
285/1सी	0	10	0	0	25
285/1बी	0	11	0	0	27
285/1ए	0	06	5	0	16
283/1पी	0	01	0	0	03
280/3ए	0	01	0	0	03
280/3बी	0	02	5	0	06
280/4पी	0	03	0	0	08
285/5पी	0	0	01	0	03
280/6पी	0	04	0	0	10
280/8पी	0	01	0	0	03
280/7पी	0	09	5	0	23
274/9पी	0	09	5	0	23
274/8पी	0	13	0	0	32
272/1पी	0	14	0	0	35
255/4पी	0	05	5	0	13
255/6पी	0	07	0	0	18
255/1पी	0	02	0	0	05
254/1पी	0	02	0	0	05
254/2पी	0	01	5	0	04
254/3पी	0	00	5	0	01
257/8एपी	0	01	5	0	04

	1	2	3	4	5	6
257/8बीपी	0	00	5	0	0	01
246/3बी	0	01	5	0	0	04
246/3ए	0	02	5	0	0	07
254/5पी	0	00	5	0	00 1/2	
246/3बी	0	01	5	0	0	04
246/4पी	0	01	0	0	01 1/2	
246/1बी	0	01	0	0	0	02
246/1ए	0	11	5	0	29	
246/2एपी	0	05	0	0	0	12
264/5एपी	0	02	0	0	0	05
244/9पी	0	06	5	0	16	
244/8पी	0	06	0	0	0	15
264/4सी1	0	01	0	0	0	03
264/4सी2	0	03	0	0	0	08
जोड़ :	1	59	5	3	95 1/2	

राज्य :	आन्ध्र प्रदेश	मंडल :	अल्लावाराम		
जिले :	पूर्व गोदावरी	गांव :	अल्लावाराम		
आर. एस. नं	हेक्टेएर्स	एर्स	सेन्टीएर्स	एकड़	सेन्ट्स
1	2	3	4	5	6
83/3पी	0	26	0	0	64
87/2पी	0	04	0	0	10
87/3ए	0	02	5	0	06
87/1ए	0	01	5	0	04
88/4	0	09	5	0	24
TOTAL	0	43	5	1	08
राज्य :	आन्ध्र प्रदेश	मंडल :	अल्लावाराम		
जिले :	पूर्व गोदावरी	गांव :	बोडासाकुरु		
आर. एस. नं	हेक्टेएर्स	एर्स	सेन्टीएर्स	एकड़	सेन्ट्स
1	2	3	4	5	6
311/4P	0	26	0	0	63
311/3P	0	13	5	0	33
311/2P	0	01	0	0	02
310/3A	0	01	0	0	03

1	2	3	4	5	6
310/2P	0	01	0	0	03
313/2B	0	08	0	0	19
313/2A	0	16	0	0	39
313/1P	0	08	5	0	21
304/4A2P	0	09	0	0	22
304/2P	0	08	0	0	20
303/7D	0	06	5	0	16
303/7C	0	04	5	0	11
303/7A	0	01	0	0	03
303/7B	0	02	0	0	05
302/8A	0	03	0	0	08
302/8B	0	04	5	0	11
302/10P	0	02	5	0	06
302/7B	0	03	0	0	08
307/7A	0	02	5	0	07
302/6P	0	00	5	0	01
TOTAL:	1	22	5	3	01

[फा. सं. ओ-12016/15/2006-ओएनजी/डीओ-III]

ओ.पी. बनवारी, अवर सचिव

New Delhi, the 7th September, 2006

S.O. 3699.—Whereas by Notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.No. 736 dated 23-02-2005 issued under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipe Lines (Acquisition of Right Of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that Notification for the purpose of laying pipe line **PSAL to PASARLAPUDI-8** in the State of Andhra Pradesh, a pipeline should be laid by the ONGC-RJY;

And whereas copies of the said Gazette Notifications were made available to the public from **27-06-2005**

And whereas no objections have been received from the public to laying of the pipeline by the Competent Authority;

And Whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Central Government;

And Whereas the Central Government, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule.

Now, Therefore, in exercise of the powers conferred by Sub-Section (i) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedules appended to this Notification is hereby acquired for laying the pipe line;

And Further in exercise of the powers conferred by Sub-Section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of this declaration, in the ONGC, K.G. Project/Rajahmundry Asset, free from encumbrances.

SCHEDULE

ROU Pipe Line from Psal to Pasarlapudi -8

R.S. No.	Hect- ares	Ares	Centi	Acres	Cents
		1	2	3	4
188/2A	0	01	0	0	02
188/2B	0	04	5	0	11
188/2C	0	03	0	0	07
285/1D	0	00	5	0	00 1/2
285/1C	0	10	0	0	25
285/1B	0	11	0	0	27
285/1A	0	06	5	0	16
283/1P	0	01	0	0	03
280/3A	0	01	0	0	03
280/3B	0	02	5	0	06
280/4P	0	03	0	0	08
280/5P	0	01	0	0	03
280/6P	0	04	0	0	10
280/8P	0	01	0	0	03
280/7P	0	09	5	0	23
274/9P	0	09	5	0	23
274/8P	0	13	0	0	32
272/1P	0	14	0	0	35
255/4P	0	05	5	0	13
255/6P	0	07	0	0	18
255/1P	0	02	0	0	05
254/1P	0	02	0	0	05

1	2	3	4	5	6	1	2	3	4	5	6
254/2P	0	01	5	0	04	311/2P	0	01	0	0	02
254/3P	0	00	5	0	01	310/3A	0	01	0	0	03
257/8AP	0	01	5	0	04	310/2P	0	01	0	0	03
257/8BP	0	00	5	0	01	313/2B	0	08	0	0	19
246/3B	0	01	5	0	04	313/2A	0	16	0	0	39
246/3A	0	02	5	0	07	313/1P	0	08	5	0	21
254/5P	0	00	5	0	001/2	304/4A2P	0	09	0	0	22
246/3B	0	01	5	0	04	304/2P	0	08	0	0	20
246/4P	0	01	0	0	01 1/2	303/7D	0	06	5	0	16
246/1B	0	01	0	0	02	303/7C	0	04	5	0	11
246/1A	0	11	5	0	29	303/7A	0	01	0	0	03
246/2AP	0	05	0	0	12	303/7B	0	02	0	0	05
264/5AP	0	02	0	0	05	302/8A	0	03	0	0	08
244/9P	0	06	5	0	16	302/8B	0	04	5	0	11
244/8P	0	06	0	0	15	302/10B	0	02	5	0	16
264/4C1	0	01	0	0	03	302/7B	0	03	0	0	08
264/4C2	0	03	0	0	08	307/7A	0	02	5	0	07
TOTAL:	1	59	5	3	95 1/2	302/6P	0	00	5	0	01

State : Andhra Pradesh Mandal : Allavaram
 District : East Godavari Village : Allavaram

R.S. No.	Hect- ares	Ares	Centi	Acres	Cents
		Ares			
1	2	3	4	5	6
83/3P	0	26	0	0	64
87/2P	0	04	0	0	10
87/3A	0	02	5	0	06
87/1A	0	01	5	0	04
88/4	0	09	5	0	24
TOTAL	0	43	5	1	08

State : Andhra Pradesh Mandal : Allavaram
 District : East Godavari Village : Bodasakurru

R.S. No.	Hect- ares	Ares	Centi	Acres	Cents
		Ares			
1	2	3	4	5	6
311/4P	0	26	0	0	63
311/3P	0	13	5	0	33

[F. No. O-12016/15/2006-ONG/DO-III]

O.P. BANWARI, Under Secy.

नई दिल्ली, 7 सितम्बर, 2006

का. आ. 3700.—केन्द्रीय सरकार को पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 750 तारीख 23-2-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में ओ. एन. जी. सी. के. जी. बेसिन, राजामुद्रि एसट द्वारा आन्ध्र प्रदेश राज्य में मोरी-10 से मोरी-8 परियोजना तक माध्यम से गैस के परिवहन के लिये पाइपलाइन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 29-07-2005 से उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अननुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी गई हैं;

और, केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइप लाइन बिछाने के लिये अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में पाइपलाइन बिछाने के लिये उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देते हैं कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली ओ.एन.जी.सी. में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग के अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लांगमों से मुक्त ओ.एन.जी.सी., के.जी. बेसिन, राजामंदी एसट में निहित होगा।

अनुसूची

आर. ओ. यू. पाइप लाइन : मोरी-10 से मोरी-8

राज्य :	आन्ध्र प्रदेश	मंडल :	मल्लिकिपुरम		
जिले :	पूर्व गोदावरी	गांव :	कत्तिमंडा		
आर. एस. नं	हेक्टेएस	एस	सेन्टेएस	एकड़	सेन्ट्स
1	2	3	4	5	6
53/4,5	0	07	5	0	18
58/9पीटी,10पीटी	0	11	0	0	27
58/9पीटी	0	07	0	0	17
58/10पीटी	0	07	0	0	17
88/13	0	06	0	0	15
54/4	0	01	0	0	03
54/5	0	01	5	0	04
58/10पीटी	0	09	5	0	24
54/8पीटी	0	01	5	0	04
56/1ए	0	05	0	0	13
57/5	0	00	0	0	01
54/6	0	02	0	0	05

	1	2	3	4	5	6
56/1बी	0	07	5	0	0	18
56/5ए	0	05	0	0	0	12
54/14	0	05	5	0	0	14
57/5ए	0	02	0	0	0	05
85/1ए	0	07	0	0	0	17
85/3ए,& 4ए	0	01	0	0	0	02
85/7पीटी,8पीटी	0	10	5	0	0	26
88/2	0	02	5	0	0	06
88/3	0	03	0	0	0	07
88/6	0	00	5	0	0	01
88/7	0	02	0	0	0	06
88/8	0	05	5	0	0	14
94/4पीटी	0	02	0	0	0	05
88/14	0	05	5	0	0	13
88/15	0	02	0	0	0	05
89/2ए	0	02	5	0	0	06
88/9	0	02	0	0	0	05
88/12	0	05	5	0	0	13
88/10	0	02	0	0	0	05
88/11	0	06	5	0	0	16
89/1	0	01	0	0	0	02
89/2	0	15	0	0	0	37
89/14	0	04	0	0	0	10
90/ए	0	01	5	0	0	04
90/सी	0	02	0	0	0	05
90/बी	0	02	5	0	0	06
92/12पीटी	0	04	5	0	0	11
92/11पीटी,10पीटी	0	09	0	0	0	22
94/5	0	22	5	0	0	55
94/2पीटी	0	03	0	0	0	07
76/पीटी	0	06	0	0	0	15
96/1बी	0	03	0	0	0	07
96/1ए,72पीटी	0	13	5	0	0	33
योग :	2	26	0	5	58	

राज्य :	आंध्र प्रदेश	मंडल :	सखीनेटीपल्ली		
जिले :	पूर्व गोदावरी	गांव :	मोरी		
आर.एस. नं	हेक्टर्स	एस	सेन्टीएस	एकड़	सेन्ट्स
1	2	3	4	5	6
328/2ए	0	06	5	0	15
328/2बी	0	03	0	0	08
328/1जी	0	05	5	0	14
328/1एफ	0	08	0	0	20
312/2पीटी	0	02	0	0	05
312/पीटी	0	02	0	0	05
312/4पीटी	0	04	0	0	10
328/1बी	0	16	5	0	39
328/1ए	0	10	0	0	26
312/2पीटी	0	02	5	0	06
311/3पीटी	0	15	5	0	38
300/1	0	08	0	0	20
301/4	0	03	5	0	09
300/3पीटी	0	03	0	0	07
301/5	0	18	0	0	45
300/2ए	0	08	0	0	20
300/2बी	0	03	0	0	08
299/1ए	0	05	5	0	14
300/3पीटी	0	03	0	0	07
302/पीटी	0	06	5	0	16
299/5बी	0	06	0	0	15
योग :	1	35	5	3	35

[फा. सं. ओ-12016/11/2006-ओएनजी/डीओ-III]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 7th September, 2006

S.O. 3700.—Whereas, by Notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.No. 750 dated 23-02-2005 issued under

Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipe Lines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (herein after referred to as the said Act), the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that Notification for the purpose of laying pipe line MORI-10 to MORI-8 in the State of Andhra Pradesh, a pipeline should be laid by the ONGC - RJY;

And, whereas, copies of the said Gazette Notifications were made available to the public from 29-07-2005

And, whereas, no objections have been received from the public to laying of the pipeline by the Competent Authority;

And, Whereas, the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Central Government;

And, Whereas, the Central Government, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule.

Now, therefore, in exercise of the powers conferred by sub-Section (1) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedules appended to this Notification is hereby acquired for laying the pipeline;

And, Further in exercise of the powers conferred by sub-Section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of this declaration, in the ONGC, K.G. Project/Rajahmundry Asset, free from encumbrances.

SCHEDULE

ROU Pipe Line Form Mori-10 to Mori-8

State : Andhra Pradesh	Mandal : Malikipuram					
District : East Godavari	Village : Kathimanda					
R.S. No.	Hect- ares	Ares	Centi ares	Acres	Cents	
1	2	3	4	5	6	
53/4,5	0	07	5	0	18	
58/9Pt,10Pt	0	11	0	0	27	
58/9Pt	0	07	0	0	17	
58/10Pt	0	07	0	0	17	
88/13	0	06	0	0	15	
54/4	0	01	0	0	03	
54/5	0	01	5	0	04	

1	2	3	4	5	6	1	2	3	4	5	6
58/10Pt	0	09	5	0	24	94/5	0	22	5	0	55
54/8Pt	0	01	5	0	04	94/2Pt	0	03	0	0	07
56/1A	0	05	5	0	13	76/Pt	0	06	0	0	15
57/5	0	00	5	0	01	96/1B	0	03	0	0	07
54/6	0	02	0	0	05	96/1A, 72Pt	0	13	5	0	33
56/1B	0	07	5	0	18	TOTAL:	2	26	0	5	58
56/5A	0	05	0	0	12	State : Andhra Pradesh					
54/14	0	05	5	0	14	Mandal : Malikipuram					
57/5A	0	02	0	0	05	District : East Godavari					
85/1A	0	07	0	0	17	Village : Moripadu					
85/3A & 4A	0	01	0	0	02	R.S. No.	Hect- ares	Ares	Centi ares	Acres	Cents
85/7Pt, 8Pt	0	10	5	0	26	1	2	3	4	5	6
88/2	0	02	5	0	06	328/2A	0	06	5	0	15
88/3	0	03	0	0	07	328/2B	0	03	0	0	08
88/6	0	00	5	0	01	328/1G	0	05	5	0	14
88/7	0	02	0	0	05	328/1F	0	08	0	0	20
88/8	0	05	5	0	14	312/2Pt	0	02	0	0	05
94/4Pt	0	02	0	0	05	328/1B	0	16	0	0	39
88/14	0	05	5	0	13	328/1A	0	10	5	0	26
88/15	0	02	0	0	05	312/2Pt	0	02	5	0	06
89/2A	0	02	5	0	06	311/3Pt	0	15	5	0	38
88/9	0	02	0	0	05	300/1	0	08	0	0	20
88/12	0	05	5	0	13	300/3Pt	0	03	0	0	07
88/10	0	02	0	0	05	301/4	0	03	5	0	09
88/11	0	06	5	0	16	301/5	0	18	0	0	45
89/1	0	01	0	0	02	300/2A	0	08	0	0	20
89/2	0	15	0	0	37	300/2B	0	03	5	0	08
89/14	0	04	0	0	10	299/1A	0	05	5	0	14
90/A	0	01	5	0	04	302/Pt	0	06	5	0	16
90/C	0	02	0	0	05	299/5B	0	06	0	0	15
90/B	0	02	5	0	06	TOTAL:	1	35	5	3	35
92/12Pt	0	04	5	0	11	[F.No. O-12016/11/2006-ONG/DO-III]					
92/11Pt, 10Pt	0	09	0	0	22	O.P. BANWARI, Under secy.					

नई दिल्ली, 7 सितम्बर, 2006

का. आ. 3701.—केन्द्रीय सरकार को पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्रकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 738 तारीख 23-2-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में ओ. एन. जी. सी. के. जी. बेसिन, राजामुद्रा एस्ट 23-2-2005 द्वारा आन्ध्र प्रदेश राज्य में केसानापाल्ली (W) # 6 से केसानापाल्ली (W) # 2 परियोजना तक माध्यम से गैस के परिवहन के लिये पाइपलाइन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 28-06-05 से उपलब्ध करा दी गई थीं;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अनुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइप लाइन बिछाने के लिये अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में पाइपलाइन बिछाने के लिये उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देते हैं कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय, पाइपलाइन बिछाने का प्रस्ताव करने वाली ओ.एन.जी.सी. में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग के अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन होते हुए, सभी विल्लंगमों से मुक्त ओ.एन.जी.सी. के.जी. बेसिन, राजामुद्रा एस्ट में निहित होगा।

अनुसूची

आर. ओ. यू. पाइप लाइन : केसानापाल्ली (W) # 6 से केसानापाल्ली (W) # 2.

आर. एस. नं	करवाका				
	हेक्टेएर्स	एस	सेन्टीएर्स	एकड़	सेन्ट्स
1	2	3	4	5	6
446/2	0	06	5	0	16
447/1बी	0	25	0	0	62

1	2	3	4	5	6
447/1सी	0	12	0	0	30
447/1डी	0	07	0	0	17
450/5बी	0	04	5	0	11
योग	0	55	0	1	36
राज्य :	आन्ध्र प्रदेश	मंडल :	मालीकीपुराम		
जिला :	पूर्व गोदावरी	गांव :	केसानापाल्ली सिवरू गोल्लापालेम		
आर. एस. नं	हेक्टेएर्स	एस	सेन्टीएर्स	एकड़	सेन्ट्स
1	2	3	4	5	6
568/2सी1	0	04	0	0	10
568/2डी3	0	04	0	0	10
568/2सी2	0	01	5	0	04
568/2डी1	0	01	5	0	04
568/2डी2	0	07	0	0	17
568/2डी4	0	03	0	0	08
568/2ईपी	0	12	5	0	31
योग	0	33	5	0	84

[फा. सं. ओ-12016/16/2006-ओ एन जी/डी ओ-III]

ओ. पी. बनवारी, अवर सचिव

New Delhi, the 7th September, 2006

S.O. 3701.—Whereas by Notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 738 dated 23-2-2005 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipe Lines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the Right of User in the land specified in the Schedule appended to that Notification for the purpose of laying pipe line Kesanapalli (W) # 6 to Kesanapalli (W) # 2 in the State of Andhra Pradesh, a pipeline should be laid by the ONGC—RJY;

And whereas copies of the said Gazette Notifications were made available to the public from 28-06-2005.

And whereas no objections have been received from the public to the laying of the pipeline by the Competent Authority;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule.

Now, therefore, in exercise of the powers conferred by Sub-section (i) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule appended to this Notification is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of this declaration, in the ONGC, K.G. Project/Rajahmundry Asset, free from encumbrances.

SCHEDULE

ROU PIPELINE FROM KESANAPALLI (W) # 6 TO KESANAPALLI (W) #2

State : Andhra Pradesh Mandal : Malikapuram

District : East Godavari Village : Karwaka H/O Gogannamatam

R.S. No.	Hectares	Ares	Centi Ares	Acres	Cents
1	2	3	4	5	6
446/2	0	06	5	0	16
447/1B	0	25	0	0	62
447/1C	0	12	0	0	30
447/1D	0	07	0	0	17
450/5B	0	04	5	0	11
TOTAL	0	55	0	1	36

State : Andhra Pradesh Mandal : Malikapuram

District : East Godavari Village : Gollapalem H/O Kesanaipalli

R.S. No.	Hectares	Ares	Centi Ares	Acres	Cents
1	2	3	4	5	6
568/2C1	0	04	0	0	10
568/2D3	0	04	0	0	10
568/2C2	0	01	5	0	04

1	2	3	4	5	6
568/2D1	0	01	5	0	04
568/2D2	0	07	0	0	17
568/2D4	0	03	0	0	08
568/2EP	0	12	5	0	31
TOTAL	0	33	5	0	84

[F. No. O-12016/16/2006-ONG/DO-III]

O. P. BANWARI, Under Secy.

नई दिल्ली, 11 सितम्बर, 2006

का.आ. 3702.—केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस भंडालय की अधिसूचना सं. का.आ. 1343(अ), तारीख 9 दिसम्बर, 2004 एवं संशोधन सं. का.आ. 350(अ), दिनांक 10 मार्च, 2005 द्वारा श्री वी. रामाचन्द्रन को मैसर्स गैल (इण्डिया) लिमिटेड द्वारा तमिलनाडु राज्य एवं पांडिचेरी केन्द्र शासित प्रदेश में पाइपलाइन बिछाने के लिए उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त किया;

और उक्त श्री वी. रामाचन्द्रन सेवा निवृत्त हो गए हैं;

और श्री एन. सन्थनाकृष्णन की सेवाएँ गैल को उपलब्ध कराई गई हैं;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 2 के खण्ड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस भंडालय की अधिसूचना सं. का.आ. 1343(अ), तारीख 9 दिसम्बर, 2004 एवं सं. का.आ. 350(अ), तारीख दिनांक 10 दिसम्बर, 2005 को अधिकांत करते हुए, नीचे दी गई अनुसूची के स्तंभ (1) में वर्णित व्यक्ति को उक्त मैसर्स गैल (इण्डिया) लिमिटेड द्वारा पाइपलाइन बिछाने के लिए निम्नलिखित अनुसूची के स्तंभ (2) में वर्णित क्षेत्र में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त करती है।

अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
1	2
श्री एन. सन्थनाकृष्णन, विशेष तहसीलदार प्रतिनियुक्त पर, मैसर्स गैल (इण्डिया) लिमिटेड, द्वितीय व तृतीय तल, मैनटेक टॉवर्स, ईस्ट कोस्ट, पॉन्डिचेरी।	सम्पूर्ण तमिलनाडु राज्य एवं पांडिचेरी केन्द्र शासित प्रदेश

[फा. सं. एल.-14014/25/2006-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 11th September, 2006

S.O. 3702.—Whereas, in pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government *vide* Notification of Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 1343(E), dated 9th December, 2004 and amendment No. S.O. 350(E) Dated 10th March, 2005, appointed Shri V. Ramachandran to perform the functions of the Competent Authority under the said Act for laying of the pipeline by M/s. GAIL (India) Limited in the State of Tamilnadu and Union Territory of Pondicherry;

And, whereas, Shri V. Ramachandran has been superannuated;

And, whereas, services of Shri N. Santhanakrishnan, Special Tahsildar, have been placed with GAIL;

Now, therefore, in pursuance of clause (a) of Section 2 of the said Act and in supersession of the notification of the Government of India, Ministry of Petroleum & Natural Gas vide No. S.O. 1343(E), dated 9th December, 2004 and No. S.O. 350(E) dated 10th March, 2005, the Central Government hereby authorises the person mentioned in column(1) of the schedule given below to perform the functions of the Competent Authority under the said Act for laying pipelines by the said M/s. GAIL (India) Limited in the area mentioned in column(2) of the said schedule.

SCHEDULE

Name and Address of the person	Area of Jurisdiction
1	2
Shri N. Santhanakrishnan, Special Tahsildar, on deputation to M/s. GAIL (India) Limited, 2nd & 3rd Floor, Manatech Towers, East Coast, Pondicherry.	Whole State of the Tamilnadu and Union Territory of Pondicherry.

[F. No. L-14014/25/2006-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 11 सितम्बर, 2006

का.आ. 3703.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्रकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 1399(अ) एवं 3956 तारीख 21-12-2004 एवं 24-10-2005 क्रमशः द्वारा, उस अधिसूचना से संलग्न अनुसूची में

विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा राजस्थान राज्य में विजयपुर-कोटा एवं स्पर पाइपलाईनों के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाईन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थीं;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 29-03-2006 तक उपलब्ध करा दी गई थीं;

और पाइपलाईन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और उन्हें अनुज्ञात कर दिया गया है।

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी गई है।

और सक्षम प्राधिकारी ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइप लाईन बिछाने के लिये अपेक्षित है, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाईन बिछाने के लिये उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि पाइपलाईनों बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने के बजाय, पाइपलाईनों बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग के अधिकार, इस प्रकार अधिरोपित निवधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला तहसील गांव सर्वे नं. आर.ओ.यू. अर्जित करने के लिए क्षे. (हेक्ट. में)

1	2	3	4	5
कोटा	दीगोद	पाचडा	337	0.0880
			337/531	0.2420
			321	0.1860
			320	0.1940
			319	0.2840
			318	0.1500
			317	0.1540
			315	0.0740

1	2	3.	4	5
	314	0.1720		
	223/530	0.1070		
	223	0.2880		
	225	0.1280		
	226	0.1040		
	220	0.0240		
	215	0.0670		
	35	0.1470		
	28	0.2880		
	36	0.0120		
	26	0.0300		
	25	0.0360		
	24	0.0220		
	21	0.0120		
	20	0.0050		
	योग	2.8140		

[फा. सं. एल.-14014/18/2006-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 11th September, 2006

S.O. 3703.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1399(E) and 3956 dated 21-12-2004 and 24-10-2005 respectively and issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of natural gas through Vijaipur-Kota and its spur pipelines in the State of Rajasthan by the GAIL (India) Limited;

And whereas copies of the said Gazette notifications were made available to the public on the 29-3-2006;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government has, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Tahsil	Village	Survey No.	Area to be acquired for R.O.U. (in Hect.)
1	2	3	4	5
Kota	Digod	Pachada	337	0-0880
			337@531	0-2420
			321	0-1860
			320	0-1940
			319	0-2840
			318	0-1500
			317	0-1540
			315	0-0740
			314	0-1720
			223@530	0-1070
			223	0-2880
			225	0-1280
			226	0-1040
			220	0-0240
			215	0-0670
			35	0-1470
			28	0-2880
			36	0-0120
			26	0-0300
			25	0-0360
			24	0-0220
			21	0-0120
			20	0-0050
			Total	2-8140

[F. No. L-14014/18/2006-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 11 सितम्बर, 2006

अनुसूची

का.आ. 3704.—केन्द्रीय सरकार ने पेट्रोलियम और खनियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) जिसे इसमें इसके पश्चात् उक्त अधिनियम, कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 693(अ) तारीख 14-6-2004 एवं का.आ. 1734 तारीख 3-5-2006 द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा महाराष्ट्र राज्य में दहेज-हजारी-उरान एवं स्पर पाइपलाईनों (पनवेल-दाभोल सेक्शन) के माध्यम से प्राकृतिक गैस परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी:

और उक्त राजपत्रित अधिसूचनाओं की प्रतियां जनता को तारीख 3-2-2005 से 4-8-2006 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकार द्वारा विचार कर लिया गया है और उन्हे अनुज्ञात कर दिया गया है;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाईनों बिछाने के लिये अपेक्षित हैं, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

और उक्त अधिनियम की धारा 3 की उप-धारा (1) के अन्तर्गत अधिसूचा संख्या का.आ. 693(अ) तारीख 14-6-2004 द्वारा अधिसूचित भूमि में से कुछ भूमि की अधिसूचना उक्त अधिनियम की धारा 6 की उप-धारा (1) के अन्तर्गत का.आ. 2062 तारीख 18-5-2006 एवं का.आ. 2063 तारीख 20-5-2006 द्वारा की जा चुकी है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिये उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देते हैं कि पाइपलाइनों बिछाने के लिए भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइनों बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का उधिकार, इस प्रकार अधिरोपित निवंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया)लिमिटेड में निहित होगा।

जिला	तहसील	गाँव	सर्वे नं.	आरओयू अंजित करने के लिए क्षेत्र-फल (हेक्ट. में)
1	2	3	4	5
रत्नागिरी	मंडनगढ	तेरडी	169	00-15-00
			115	00-14-00
रत्नागिरी	मंडनगढ	विन्हे	19/9पी	00-08-00
			17/8पी	00-03-00
			78/3पी	00-06-00
			39/1पी	00-01-00
रत्नागिरी	मंडनगढ	तलेघर	11/17+18पी	00-09-00
रत्नागिरी	मंडनगढ	तिडे	158/1	
			158/2	
			158/3	
			158/4	00-21-00
			158/5	
			158/6	
			158/7	
			161/1पी	00-08-00
			160/1	
			160/2	
			160/3	
			160/4ए	
			160/बीपी	
			160/सीपी	
			160/डीपी	
			160/5	
			160/6	00-50-00
			160/7	
			160/8	
			160/9	
			160/10/1पी	
			160/10/2पी	
			160/10/3पी	
			160/11	
			160/12	
			162/1	
			162/2	
			162/3	
			162/4ए	
			162/4बी	

1	2	3	4	5	1	2	3	4	5
रत्नागिरी	मंडनगढ़	तिडे	168/1/1पी 168/1/2 169/1 169/2 169/3 169/4 169/5 169/6 169/7 169/8 169/9 169/10 169/11 169/12 169/13 165/1पी 165/2पी 165/3पी 165/4+5पी 165/6पी 164/1पी 10/1पी 9/1ए पी 9/1बी पी 9/2पी 8/1 8/2 8/3 8/4 8/5 8/6 8/7 8/9 से 13 8/16+17 8/14 8/15पी 8/18पी 166 6/1 पी	168/1/1पी 168/1/2 169/1 169/2 169/3 169/4 169/5 169/6 169/7 169/8 169/9 169/10 169/11 169/12 169/13 165/1पी 165/2पी 165/3पी 165/4+5पी 165/6पी 164/1पी 10/1पी 9/1ए पी 9/1बी पी 9/2पी 8/1 8/2 8/3 8/4 8/5 8/6 8/7 8/9 से 13 8/16+17 8/14 8/15पी 8/18पी 166 6/1 पी	00-13-00 00-48-00 00-02-00 00-16-00 00-07-00 00-74-00	रत्नागिरी मंडनगढ़ तिडे	48/1 48/2 48/3 48/4 48/5 48/6 48/7 48/8 48/9 48/10 48/11 46/1 46/2 46/3 46/4 46/5 46/6 46/7 46/8 46/9 46/10 46/11 46/12 46/13 46/14 46/15 46/16 46/17 46/18 46/19 46/20 46/21 46/22 46/23 46/24 46/25 46/26 46/27 46/28 46/29 46/30 46/31 46/32 46/33	00-42-00 00-92-00	

1	2	3	4	5	1	2	3	4	5
रत्नगिरी	मङ्डनगड	तिडे	53/1		रत्नगिरी	दापेली	तलसुरे	104/5/2 से 6	00-33-00
			53/2					104/10/1	00-15-00
			53/3					104/12	00-02-00
			53/4					99/1	00-11-00
			53/5					99/4	00-03-00
			53/6					99/5	00-03-00
			53/7					100/3	00-05-50
			53/8					100/5	00-06-50
			53/9					96/1	00-08-00
			53/10					96/2	00-01-00
			53/11					96/3	00-10-50
			53/12					96/6	00-13-50
			53/13					93/6	00-01-00
			53/14					93/8	00-06-00
			53/15					93/9	00-07-50
			53/16					93/12	00-12-50
			53/17					93/14	00-03-50
			53/18					92/0	00-15-00
			53/19					89/2	00-09-50
			53/20					89/6	00-00-50
			53/21					89/3	00-04-00
			184/1ए		00-20-00			89/4	00-07-50
			184/1ओ					88/1/2	00-02-00
	वालोटे		126/10 पी		00-01-00			88/1/3	00-03-50
			143/3 पी		00-07-00			88/1/4	00-03-50
			179/7+8		00-44-00			88/2	00-01-00
			179/14 पी		00-03-00			88/3	00-07-30
	कुडक		689		00-10-00			88/4	00-01-20
			970		00-01-00			78/4	00-01-00
			574		00-04-00			78/5	00-02-50
			571		00-25-00			78/6	00-09-00
			578ओ पी		00-37-00			80/1	00-04-50
			732		00-02-00			80/2	00-04-50
			710		00-05-00			80/4	00-03-50
			700		00-05-00			80/5	00-03-50
	दापेली	तलसुरे	106/2		00-04-50			80/6	00-11-50
			106/1		01-01-00			80/8	00-03-00
			106/3		00-06-50				
			98/1/1		00-19-00				
			98/7		00-03-00				
			104/5/1		00-09-00				

1	2	3	4	5	1	2	3	4	5
रत्नगिरी	दापोली	तलसुरे	80/9	00-03-50	रत्नगिरी	दापोली	वणोशी तर्फे	487	00-11-50
			81/0	00-17-00		पंचनदी		486	00-12-00
			82/3बी1	00-05-00				485	00-08-00
			83	00-06-00				484	00-00-50
			84	00-32-00				483	00-02-00
			82/3ए/1	00-74-00				480	00-13-00
			74/1	00-28-50				479	00-13-00
			वणोशी तर्फे 910	00-20-50				472	00-04-50
			पंचनदी	706	00-15-00			471	00-08-00
			705	00-06-50				102	00-01-00
			688/बी	00-01-50				103	00-00-50
			688/ए	00-32-50				104	00-04-80
			686	00-02-00				105	00-19-00
			687	00-10-00				109	00-08-00
			682	00-02-00				90	00-18-00
			681	00-02-00				89	00-13-50
			689	00-03-00				88	00-27-50
			651	00-01-00				87	00-05-00
			680	00-06-50				81	00-05-00
			653	00-06-00				82	00-18-00
			654	00-26-00				80	00-01-50
			656	00-10-50				83	00-14-50
			655	00-01-00				135	00-01-50
			612	00-11-00				136	00-22-00
			613	00-01-00				150	00-01-50
			526	01-05-00				137	00-02-50
			528	00-00-50				138	00-15-00
			529	00-00-50				139	00-11-50
			525	00-03-00				141	00-08-00
			524/ए/बी	00-18-00				143	00-18-00
			523	00-06-00				132	00-12-00
			522/बी	00-33-00				142	00-07-00
			516	00-01-00				215	00-01-00
			517	00-15-00				216	00-07-50
			518	00-01-50				217	00-04-00
			490/बी	00-03-50				227	00-03-00
			490/ए	00-00-50				214	00-32-50
			489	00-35-50				213	00-04-50
			488	00-05-00					

	2	3	4	5	1	2	3	4	5
रत्नगिरी	दापोली	बणोशी तर्फे	220	00-00-50	रत्नगिरी	दापोली	बोंडीवली	796	00-30-00
	पंचवदी		212	00-23-00				795	00-12-00
			205	00-27-00				794	00-03-00
			202	00-08-00				800	00-04-50
			204	00-09-50				798	00-01-00
			209	00-01-50				797	00-17-00
			203	00-18-00				799	00-26-50
			201	00-46-00				802	00-06-00
			913	01-00-00				803	00-11-50
			909	00-03-50				804	00-47-50
			919	00-03-50				816ए	00-14-00
			918	00-12-00				817	00-36-00
			942	01-20-00				818	00-30-50
			946	00-10-10				819सी	00-27-00
			947	00-17-00				822	00-20-00
रत्नगिरी	दापोली	बोंडीवली	720	00-13-50				829	00-26-00
			721ए	00-11-50				832	00-33-50
			723	00-66-50				833	00-06-50
			722	00-12-00				834	00-09-50
			724	00-01-50				821	00-21-70
			725	00-27-50	रत्नगिरी	दापोली	गणपतीपुले	20/5+7+9	00-10-00
			726	00-27-00				9/4 पी	00-05-00
			728	00-14-00				8/3 पी	00-45-00
			731	00-72-00				7/25 पी	00-02-00
			753	00-17-00				137/1 पी	00-02-00
			752	00-06-50				137/4+11+12	00-41-00
			754	00-05-00				11	00-09-00
			755	00-06-00	रत्नगिरी	दापोली	माटवण	15	00-02-00
			751	00-16-50				31/1 पी	00-05-00
			756	00-01-50				31/13 पी	00-05-00
			757	00-33-00				31/14 पी	00-02-00
			758	00-02-00				31/15 पी	00-02-00
			762	00-23-00				30/1 पी	00-08-00
			763	00-12-00				30/2 पी	00-08-00
			765	00-08-50				30/5 पी	00-08-00
			766	00-01-00				29/2 पी	00-09-00
			767	00-07-50				17/6 पी	00-15-00
			768	00-07-50				17/11 पी	00-15-00
			769	00-11-00				26/12 पी	00-06-00
								24	00-82-00

1	2	3	4	5	1	2	3	4	5
रत्नागिरी	दापोली	नानटे	947	00-18-00	रत्नागिरी	दापोली	नवानगर	90/1/2पी	00-04-00
			909	00-01-00				90/1/3पी	00-06-00
रत्नागिरी	दापोली	चिंचाली	407	00-10-00				90/1/7पी	00-02-00
			344	00-01-00				90/1/8पी	00-05-00
			404	00-11-00				90/1/10पी	00-02-00
			406	00-10-00				90/2पी	00-01-00
			403	00-03-00				87/7ए, 7बीपी	00-34-00
			396एपी	00-07-00	रत्नागिरी	दापोली	खेडी	236/1पी	00-02-00
			396बीपी	00-09-00				51/5पी	00-09-00
रत्नागिरी	दापोली	विसापुर	44/1,2,3,5,6	} 01-53-00	रत्नागिरी	दापोली	सावेली	73/4+5एबीपी	00-08-00
			44/7,10,11,12					41/4पी	00-01-00
			44/13,14					41/7पी	00-08-00
			99/1,2,3,4,5,7,10	00-62-00				49	00-17-00
रत्नागिरी	दापोली	शिरखल	209	00-48-00				67/2पी	00-10-00
			210	00-58-00				67/4पी	00-07-00
			174	00-01-00				67/6पी	00-08-00
			179	00-24-00				72/2	00-04-00
			178	00-70-00				72/3	00-08-00
			156	00-48-00				72/4	00-07-00
			149	00-37-00				72/8	00-02-00
			148	00-51-00				110/2पी	00-11-00
			213	00-72-00				109/2	00-05-00
रत्नागिरी	दापोली	माले	64	00-08-00				109/3	00-01-00
			25	00-01-00				109/4	00-05-00
			24	00-16-00				109/5	00-03-00
			23	00-16-00				112/1पी	00-44-00
			1056	00-09-00				112/4पी	00-23-00
			1067	00-10-00				113/1पी	00-29-00
			1069	00-32-00				113/2पी	00-04-00
			1075	00-28-00				113/8पी	00-12-00
			1079	00-01-00				113/9पी	00-13-00
			1071	00-83-00				164/5पी	00-08-00
			1109	00-23-00				164/6पी	00-11-00
			1100	00-44-00				164/8पी	00-12-00
			1089	00-22-00				164/9पी	00-06-00
			1099	00-23-00				114/3पी	00-03-00
			1090	00-16-00				114/4पी	00-25-00
			1092	00-29-00				114/6पी	00-01-00
			1091	00-08-00				114/7पी	00-01-00
			1093	00-24-00				114/8पी	00-14-00

रत्नागिरी	दापोली सावेली	114/11 पी	00-04-00	रत्नागिरी	दापोली उंबाले	20/6 पी	00-11-00
		114/12 पी	00-03-00			20/7 पी	00-02-00
		114/13 पी.	00-01-00			20/8 पी	00-02-00
		114/15 पी	00-04-00			20/9 पी	00-08-00
रत्नागिरी	दापोली करंजनी	1388	00-09-00			20/10 पी	00-05-00
		1389	00-05-00			20/11 पी	00-01-00
		1387	00-03-00			20/12 पी	00-01-00
		1373	00-02-00			19/1 पी	00-01-00
		1295	00-05-00			19/2 पी	00-01-00
		1293	00-02-00			19/3 पी	00-01-00
		1338	00-48-00			19/4 पी	00-01-00
		1337	00-01-00			21/4 पी	00-04-00
रत्नागिरी	दापोली उंबाले	62/2 पी	00-32-00			21/5 पी	00-27-00
		62/4 पी	00-11-00			21/6 पी	00-04-00
		62/7 पी	00-01-00			22 पी	00-02-00
		62/9 पी	00-12-00			73/ए/12 पी	00-16-00
		62/13 पी	00-14-00			73/ए/18 पी	00-07-00
		62/14 पी	00-06-00			74/3 पी	00-01-00
		62/15 पी	00-01-00			24/26 पी	00-15-00
		62/12 पी	00-03-00				
		62/17 पी	00-05-00	रत्नागिरी	दापोली हातीप	1	00-10-00
		62/18 पी	00-17-00			62	00-08-00
		62/19 पी	00-06-00			31	00-29-00
		62/20 पी	00-01-00			93	00-01-00
		62/21 पी	00-11-00	रत्नागिरी	दापोली दाभोल	169/6 पी	00-75-00
		62/25 पी	00-08-00			43/11 पी	00-05-00
		62/24 पी	00-07-00			50 पी	00-03-00
		5/39 ए से जी	00-38-00			48/7 पी	00-01-00
		67/20 पी	00-08-00			48/8 पी	00-60-00
		67/29 पी	00-04-00			164/8 पी	00-51-00
		13/13 पी	00-16-00			163/13 पी	00-25-00
		13/14 पी	00-01-00			134 पी	00-02-00
		13/22 पी	00-28-00	रत्नागिरी	गुहागर वेलदुर	650	00-25-50
		13/25 पी	00-19-00			651	00-81-00
		13/38 पी	00-26-00			652	00-03-50
		13/43 पी	00-01-00				
		12/0 पी	00-06-00				
		72/9 पी	00-44-00				
		20/3 पी	00-17-00				
		20/4 पी	00-02-00				
		20/5 पी	00-01-00				

[फ. सं. एल.-14014/12/2006-जी.पी. (भाा-III)]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 11th September, 2006

S.O. 3704.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 693(E), dated 14-6-2004 and

S.O. 1734 dated 3-5-2006 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the Right of User in the land specified in the Schedule appended to those notification for the purpose of laying pipeline for transport of natural gas through Dahej-Hazira-Uran and its spur pipelines (Panvel-Dabhol Section) in the State of Maharashtra by the GAIL (India) Limited;

And, whereas copies of the said Gazette notifications were made available to the public from 3-2-2005 to 4-8-2006;

And, whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And, whereas the Competent Authority has, under sub-Section (1) of Section 6 of the said Act, submitted report to the Central Government;

And, whereas the Central Government, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule;

And, whereas part of the land notified under sub-section (1) of Section 3 of the said Act *vide* S.O. 693(E) dated 14-6-2004 has been earlier notified under sub-section (1) of the Section 6 of the said Act *vide* S.O. 2062 dt'd. 18-5-2006 and S.O. 2063 dated 20-5-2006;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Taluka	Village	Survey No.	Area to be acquired for ROU (in Hect.)	5
1	2	3	4		
Ratnagiri	Mandan-gadh	Terdi	169	00-15-00	
			115	00-14-00	
	Vinhe		19/9P	00-08-00	
			17/8P	00-03-00	
			78/3P	00-06-00	
			39/1P	00-01-00	

1	2	3	4	5
Ratnagiri	Mandan-gadh	Teleghar Tide	11/17+18P 158/1 158/2 158/3 158/4 158/5 158/6 158/7	00-09-00 00-21-00
			160/1P 160/1 160/2	00-08-00
			160/3	
			161/4A	
			160/B P	
			160/C P	
			160/D P	
			160/5	
			160/6	00-50-00
			160/7	
			160/8	
			160/9	
			160/10/1P	
			160/10/2P	
			160/10/3P	
			160/11	
			160/12	
			162/1	
			162/2	
			162/3	01-04-00
			162/4A	
			162/4B	
			168/1/1P	00-13-00
			168/1/2	
			169/1	
			169/2	
			169/3	
			169/4	
			169/5	
			169/6	
			169/7	00-48-00
			169/8	
			169/9	
			169/10	
			169/11	
			169/12	
			169/13	
			165/1P	

1	2	3	4	5	1	2	3	4	5
Ratnagiri	Mandan-	Tide	165/2P		Ratnagiri	Mandan-	Tide	46/1	
	gadh		165/3P			gadh		46/2	
			165/4+5P					46/3	
			165/6P					46/4	
			164/1P					46/5	
			10/1P					46/6	
			9/1A P					46/7	
			9/1B P					46/8	
			9/2P					46/9	
			8/1					46/10	
			8/2					46/11	
			8/3					46/12	
			8/4					46/13	
			8/5					46/14	
			8/6	00-02-00				46/15	
			8/7					46/16	
			8/9 to 13					46/17	00-92-00
			8/16+17					46/18	
			8/14					46/19	
			8/15 P					46/20	
			8/18 P					46/21	
			166	00-16-00				46/22	
			6/1 P	00-07-00				46/23	
			185/1 P					46/24	
			184/2 A					46/25	
			185/2 B					46/26	
			185/3 P					46/27	
			185/4+7	00-74-00				46/28	
			185/5					46/29	
			185/6					46/30	
			185/8					46/31	
			185/9					46/32	
			48/1					46/33	
			48/2					53/1	
			48/3					53/2	
			48/4					53/3	
			48/5					53/4	
			48/6	00-42-00				53/5	
			48/7					53/6	
			48/8					53/7	
			48/9					53/8	
			48/10					53/9	
			48/11						

1	2	3	4	5	1	2	3	4	5
Ratnagiri	Mandan-	Tide	53/10		Ratnagiri	Dapoli	Talsure	93/9	00-07-50
	gadh		53/11					93/12	00-12-50
			53/12					93/14	00-03-50
			53/13					92/0	00-15-00
			53/14					89/2	00-09-50
			53/15					89/6	00-00-50
			53/16					89/3	00-04-00
			53/17					89/4	00-07-50
			53/18					88/1/2	00-02-00
			53/19					88/1/3	00-03-50
			53/20					88/1/4	00-03-50
			53/21					88/2	00-01-00
			184/1A	00-20-00				88/3	00-07-30
			184/1B					88/4	00-01-20
Ratnagiri	Mandan-	Valote	126/10P	00-01-00				78/4	00-01-00
	gadh		143/3P	00-07-00				78/5	00-02-50
			179/7+8	00-44-00				78/6	00-09-00
			179/14P	00-03-00				80/1	00-04-50
Ratnagiri	Mandan-	Kuduk	689	00-10-00				80/2	00-04-50
	gadh		970	00-01-00				80/4	00-03-50
			574	00-04-00				80/5	00-03-50
			571	00-25-00				80/6	00-11-50
			578BP	00-37-00				80/8	00-03-00
			732	00-02-00				80/9	00-03-50
			710	00-05-00				81/0	00-17-00
			700	00-05-00				82/3B1	00-05-00
Ratnagiri	Dapoli	Talsure	106/2	00-04-50				83	00-06-00
			106/1	01-01-00				84	00-32-00
			106/5	00-06-50				82/3A/1	00-74-00
			98/1/1	00-19-00				74/1	00-28-50
			98/7	00-03-00	Ratnagiri	Dapoli	Vanoshi	910	00-20-50
			104/5/1	00-09-00				Turfe	00-15-00
			104/5/2 to 6	00-33-00				Panch-	705
			104/10/1	00-15-00				nadi	00-06-50
			104/12	00-02-00				688/B	00-01-50
			99/1	00-11-00				688/A	00-32-50
			99/4	00-03-00				686	00-02-00
			99/5	00-03-00				687	00-10-00
			100/3	00-05-50				682	00-02-00
			100/5	00-06-50				681	00-02-00
			96/1	00-08-00				689	00-03-00
			96/2	00-01-00				651	00-01-00
			96/3	00-10-50				680	00-06-50
			96/6	00-13-50				653	00-06-00
			93/6	00-01-00				654	00-26-00
			93/8	00-06-00				656	00-10-50
								655	00-01-00

1	2	3	4	5	1	2	3	4	5
Ratnagiri	Dapoli	Vanoshi	612	00-11-00	Ratnagiri	Dapoli	Vanoshi	132	00-12-00
		Turfe	613	00-01-00			Turfe	142	00-07-00
		Panch-	526	01-05-00			Panch-	215	00-01-00
		nadi	528	00-00-50			nadi	216	00-07-50
			529	00-00-50				217	00-04-00
			525	00-03-00				227	00-03-00
			524/A/B	00-18-00				214	00-32-50
			523	00-06-00				213	00-04-50
			522/B	00-33-00				220	00-00-50
			516	00-01-00				212	00-23-00
			517	00-15-00				205	00-27-00
			518	00-01-50				202	00-08-00
			490/B	00-03-50				204	00-09-50
			490/A	00-00-50				209	00-01-50
			489	00-35-50				203	00-18-00
			488	00-05-00				201	00-46-00
			487	00-11-50				913	01-00-00
			486	00-12-00				909	00-03-50
			485	00-08-00				919	00-03-50
			484	00-00-50				918	00-12-00
			483	00-02-00				942	01-20-00
			480	00-13-00				946	00-10-10
			479	00-13-00				947	00-17-00
			472	00-04-50	Ratnagiri	Dapoli	Bondivali	720	00-13-50
			471	00-08-00				721A	00-11-50
			102	00-01-00				723	00-66-50
			103	00-00-50				722	00-12-00
			104	00-04-80				724	00-01-50
			105	00-19-00				725	00-27-50
			109	00-08-00				726	00-27-00
			90	00-18-00				728	00-14-00
			89	00-13-50				731	00-72-00
			88	00-27-50				753	00-17-00
			87	00-05-00				752	00-06-50
			81	00-05-00				754	00-05-00
			82	00-18-00				755	00-06-00
			80	00-01-50				751	00-16-50
			83	00-14-50				756	00-01-50
			135	00-01-50				757	00-33-00
			136	00-22-00				758	00-02-00
			150	00-01-50				762	00-23-00
			137	00-02-50				763	00-12-00
			138	00-15-00				765	00-08-50
			139	00-11-50				766	00-01-00
			141	00-08-00				767	00-07-50
			143	00-18-00				768	00-07-50

1	2	3	4	5	1	2	3	4	5
Ratnagiri	Dapoli	Bondivali	769	00-11-00	Ratnagiri	Dapoli	Chichali	404	00-11-00
			796	00-30-00				406	00-10-00
			795	00-12-00				403	00-03-00
			794	00-03-00				396AP	00-07-00
			800	00-04-50				396BP	00-09-00
			798	00-01-00	Ratnagiri	Dapoli	Visapur	44/1,2,3,5,6	
			797	00-17-00				44/7,10,11,12	01-53-00
			799	00-26-50				44/13,14	
			802	00-06-00	Ratnagiri	Dapoli	Shirkhal	99/1,2,2,3,4,5,7	00-62-00
			803	00-11-50				209	00-48-00
			804	00-47-50				210	00-58-00
			816A	00-14-00				174	00-01-00
			817	00-36-00				179	00-24-00
			818	00-30-50				178	00-70-00
			819C	00-27-00				156	00-48-00
			822	00-20-00				149	00-37-00
			829	00-26-00	Ratnagiri	Dapoli	Male	148	00-51-00
			832	00-33-50				213	00-72-00
			833	00-06-50				64	00-08-00
			834	00-09-00				25	00-01-00
			821	00-21-70				24	00-16-00
								23	00-16-00
Ratnagiri	Dapoli	Ganpati- pule	20/5+7+9	00-10-00				1056	00-09-00
			9/4P	00-05-00				1067	00-10-00
			8/3P	00-45-00				1069	00-32-00
			7/25P	00-02-00				1075	00-28-00
			137/1P	00-02-00				1079	00-01-00
			137/4+11+12	00-41-00				1071	00-83-00
			11	00-09-00				1109	00-23-00
								1100	00-44-00
Ratnagiri	Dapoli	Matvan	15	00-02-00				1089	00-22-00
			31/1P	00-05-00				1099	00-23-00
			31/13P	00-05-00				1090	00-16-00
			31/14P	00-02-00				1092	00-29-00
			31/15P	00-02-00				1091	00-08-00
			30/1P	00-08-00	Ratnagiri	Dapoli	Nav- nagar	1093	00-24-00
			30/2P	00-08-00				90/1/2P	00-04-00
			30/5P	00-08-00				90/1/3P	00-06-00
			29/2P	00-09-00				90/1/7P	00-02-00
			17/6P	00-15-00				90/1/8P	00-05-00
			17/11P	00-15-00				90/1/10P	00-02-00
			26/12P	00-06-00				90/2P	00-01-00
			24	00-82-00	Ratnagiri	Dapoli	Kherdi	87/7A, 7BP	00-34-00
Ratnagiri	Dapoli	Nante	947	00-18-00				236/1P	00-02-00
			909	00-01-00				51/5P	00-09-00
Ratnagiri	Dapoli	Chichali	407	00-10-00	Ratnagiri	Dapoli	Saveli	73/4+5ABP	00-08-00
			344	00-01-00				41/4P	00-01-00
								41/7P	00-08-00
								49	00-17-00

1	2	3	4	5	1	2	3	4	5
Ratnagiri	Dapoli	Saveli	67/2P	00-10-00	Ratnagiri	Dapoli	Umbarle	62/12P	00-03-00
			67/4P	00-07-00				62/17P	00-05-00
			67/6P	00-08-00				62/18P	00-17-00
			72/2	00-04-00				62/19P	00-06-00
			72/3	00-08-00				62/20P	00-01-00
			72/4	00-07-00				62/21P	00-11-00
			72/8	00-02-00				62/25P	00-08-00
			110/2P	00-11-00				62/24P	00-07-00
			109/2'	00-05-00				5/39A to G	00-38-00
			109/3	00-01-00				67/20P	00-08-00
			109/4	00-05-00				67/29P	00-04-00
			109/5	00-03-00				13/13P	00-16-00
			112/1P	00-44-00				13/14P	00-01-00
			112/4P	00-23-00				13/22P	00-28-00
			113/1P	00-29-00				13/25P	00-19-00
			113/2P	00-04-00				13/38P	00-26-00
			113/8P	00-12-00				13/43P	00-01-00
			113/9P	00-13-00				12/0P	00-06-00
			164/5P	00-08-00				72/9P	00-44-00
			164/6P	00-11-00				20/3P	00-17-00
			164/8P	00-12-00				20/4P	00-02-00
			164/9P	00-06-00				20/5P	00-01-00
			114/3P	00-03-00				20/6P	00-11-00
			114/4P	00-25-00				20/7P	00-02-00
			114/6P	00-01-00				20/8P	00-02-00
			114/7P	00-01-00				20/9P	00-08-00
			114/8P	00-14-00				20/10P	00-05-00
			114/11P	00-04-00				20/11P	00-01-00
			114/12P	00-03-00				20/12P	00-01-00
			114/13P	00-01-00				19/1P	00-01-00
			114/15P	00-04-00				19/2P	00-01-00
Ratnagiri	Dapoli	Karanjani	1388	00-09-00				19/3P	00-01-00
			1389	00-05-00				19/4P	00-01-00
			1387	00-03-00				21/4P	00-04-00
			1373	00-02-00				21/5P	00-27-00
			1295	00-05-00				21/6P	00-04-00
			1293	00-02-00				22P	00-02-00
			1338	00-48-00				73/A/12P	00-16-00
			1337	00-01-00				73/A/18P	00-07-00
Ratnagiri	Dapoli	Umbarle	62/2P	00-32-00				74/3P	00-01-00
			62/4P	00-11-00				24/26P	00-15-00
			62/7P	00-01-00					
			62/9P	00-12-00					
			62/13P	00-14-00					
			62/14P	00-06-00					
			62/15P	00-01-00					

1	2	3	4	5
Ratnagiri	Dapoli	Hatip	1	00-10-00
			62	00-08-00
			31	00-29-00
			93	00-01-00
Ratnagiri	Dapoli	Dabhol	169/6 P	00-75-00
			43/11 P	00-05-00
			50 P	00-03-00
			48/7 P	00-01-00
			48/8 P	00-60-00
			164/8 P	00-51-00
			163/13 P	00-25-00
			134 P	00-02-00
Ratnagiri	Dapoli	Veldur	650	00-25-50
			651	00-81-00
			652	00-03-50

[F. No. L-14014/12/06-G.P. (Part-III)]

S. B. MANDAL, Under Secy.

नई दिल्ली, 11 सितम्बर, 2006

का.आ. 3705.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) जिसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 692(अ) तारीख 14-6-2004 एवं का.आ. 1734 तारीख 3-5-2006 द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा महाराष्ट्र राज्य में दहेज-हजार-उरान एवं स्पर पाइपलाईनों (पनवेल-दाभोल सेक्सन) के माध्यम से प्राकृतिक गैस परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी:

और उक्त राजपत्रित अधिसूचनाओं की प्रतियाँ जनता को तारीख 21-1-2005 से 4-8-2006 तक उपलब्ध करा दी गई थी

और पाइपलाइन बिछाने के संबंध में जनता से प्राप्त आक्षेपों पर सक्षम प्राधिकार द्वारा विचार कर लिया गया है और उन्हे अनुज्ञात कर दिया गया है।

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइनों बिछाने के लिये अपेक्षित हैं, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है।

और उक्त अधिनियम की धारा 3 की उप-धारा (1) के अन्तर्गत अधिसूचना संख्या का.आ. 692(अ) तारीख 14-6-2004 द्वारा अधिसूचित भूमि में से कुछ भूमि की अधिसूचना उक्त अधिनियम की धारा 6 की उप-धारा (1) के अन्तर्गत का.आ. 2062 तारीख 18-5-2006 एवं का.आ. 2063 तारीख 20-5-2006 द्वारा की जा चुकी है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिये उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाइनों बिछाने के लिए भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विलंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्ट. में)
1	2	3	4	5
रायगढ़	रोहा	बालहे	61	01-70-00
			येरल	टाटा पावर 00-07-00
				गावकरी 00-01-00
				जमीन
रायगढ़	माणगांव	बडपाले	72/6 पी	00-02-00
			49/A पी	01-58-00
			50/1पी	00-49-00
			पानोशे	112 00-06-00
				137 00-15-00
			भाले	114/3 पी 00-03-00
				114/4 पी 00-15-00
				114/5 पी 00-31-00
देवली	देवली	देवली	155/0 पी	00-17-00
				154 पी 00-02-00
				98/0 पी 00-15-00
				97/0 पी 00-64-00
			96/0 पी	00-03-00

1	2	3	4	5	1	2	3	4	5	6
रायगड	माणगांव	कोस्ते	116/6ए+बी+सी	00-04-00	रायगड	माणगांव	मुगवली(जारी)	15/1 सी	00-02-00	
		बुद्धुक	116/7 पी	00-32-00				15/4 पी	00-10-00	
			119/3 पी	00-26-00				15/8 पी	00-10-00	
		जावटे	41/5/3+6/1पी	00-05-00				15/12 पी	00-04-00	
			4/4 पी	00-02-00				16/16 पी	00-04-00	
			1/5+2/5 पी	00-07-00				102/1 पी	00-11-00	
			44/1 पी	00-37-00				23/3 पी	00-03-00	
			55/1/4 पी	00-03-00				31/0 पी	00-57-00	
			53/16 पी	00-01-00			होडगांव	171 पी	00-59-00	
			45/21 पी	00-01-00				177 पी	00-50-00	
	सालवे		539	00-06-00				153/20 पी	00-27-70	
			541	00-03-00				153/19 पी	00-11-00	
			542	00-01-00			लोनेरे	127/3	00-06-00	
			540	00-09-00				127/4	00-01-00	
			549	00-19-00				127/6	00-08-00	
			253	00-03-00				127/8	00-06-00	
	खण्डपाले		401	00-10-00				125/1 ए	00-02-30	
			387	00-07-00				125/1बी	00-06-50	
			352	00-19-00				125/1 सी	00-02-50	
			310	00-01-00				125/2 ए	00-00-50	
	गांगवली		491/1 पी	00-04-00				126/1/15+5बी	00-01-30	
			369	00-09-00				126/1/9	00-03-50	
			564 पी	00-03-00				126/1/19+2+3ए	00-04-50	
			369	00-12-00				126/1/20+3बी	00-03-70	
	कोस्ते बुद्धुक		107	01-51-00				126/3डी+4/11	00-06-20	
			25/2 पी	00-12-00				121/2	00-18-00	
			25/6 पी	00-13-00				124/1ए	00-04-00	
			103/3 पी	00-14-00				124/1ए+2	00-08-00	
			23	00-34-00				124/3	00-07-00	
			149	00-34-00				123/1 बी	00-02-50	
			150	00-34-00				123/1ए	00-01-00	
			39	00-05-00				123/1डी	00-06-00	
	रेपोली		361	00-09-00				133/1/1	00-13-00	
	निजामपुर	157/1(ए+बी)3		00-79-00				133/1/5	00-13-00	
	तलेगांव		41 पी	00-01-00				133/7	00-07-00	
			67 पी	00-23-00				133/8 सी	00-03-50	
			76 पी	00-48-00				133/4	00-00-50	
	मुगवली		12/16 पी	00-02-00				134/1 ए	00-04-00	
			12/34 पी	00-16-00				134/1 बी	00-02-50	
			12/40 पी	00-18-00						

1	2	3	4	5	1	2	3	4	5
रायगढ	माणगांव	लोनेरे	134/1 सी	00-03-50	रायगढ	माणगांव	लोनेरे	63	00-24-50
			134/1 डी	00-03-00				64	00-11-00
			134/1 ई	00-05-00			महाड	अंबिस्ते	25/8 पी
			134/5	00-14-00					00-01-00
			134/6 सी	00-11-00				25/11 पी	00-02-00
			135/1	00-00-50				26/1 पी	00-01-30
			135/2	00-05-50				31/10 पी	00-01-00
			135/3	00-06-00				31/30 पी	00-01-00
			135/5 ए	00-01-50				31/35 पी	00-10-00
			135/5 बी	00-07-50				37/8 पी	00-06-00
			135/5 सी	00-06-00				37/33 पी	00-01-00
			113/1/2 बी+1/1/6	00-12-00				41/2C पी	00-15-00
			112/1 ए	00-12-00			सापे	432	00-00-80
			112/1 बी	00-10-00				449	00-02-00
			112/1 सी	00-09-50				422	00-03-00
			112/1 डी	00-07-00				400	00-04-50
			112/2/1	00-00-50				399	00-02-80
			112/2/6	00-04-50				360	00-02-00
			112/2/8	00-04-50				295	00-16-00
			84	00-16-50				275	00-03-00
			82/6	00-06-00				272	00-08-00
			82/7	00-10-00				236/1 से 5	00-15-00
			81/5	00-14-00				230	00-06-00
			80/3	00-08-00			खैरे	5/1 ए+3 पी	
			80/4	00-05-50				5/1 बी+1 पी	
			58/3	00-09-50				5/1 बी+2 पी	
			59/1 सी	00-10-00				5/1 सी पी	
			59/3A+1 सी	00-08-00				5/1 ई पी	
			59/3 सी	00-07-50				5/1 डी पी	
			68/1	00-04-00				5/2 ए पी	
			68/2	00-02-00				5/2 बी पी	
			68/3	00-03-00					
			68/4	00-09-00				24/6 पी	00-01-00
			68/5	00-00-50				24/7 पी	00-03-00
			67/2+4 ए	00-00-50				20/1 ए पी	
			61/1	00-06-50				20/1 बी पी	
			61/2/1	00-15-00					00-61-00
			61/2/7+3 बी	00-18-00				20/3 ए+3 बी पी	
			66/2 ए	00-07-00				20/3 ए/2 पी	
			66/2 बी	00-06-50					00-17-00
			66/2 सी	00-15-00					
					टोल बुद्धक		234	00-08-00	
							94	00-07-00	
							89	00-05-00	

1	2	3	4	5
रायगढ़	महाड	टोल बुद्धक(जारी)	85	00-16-00
			84	00-02-00
			839	00-02-00
			706	00-03-00
			644	00-01-00
			663	00-02-00
			651	00-01-50
			605	00-01-00
			891	00-04-00
			584	00-02-00
			583	00-02-00
			520	00-01-00
			521	00-01-00
			580	00-12-00
			581	00-01-00
			573	00-04-00
			563	00-21-00
			565	00-01-00
			556	00-01-00
			558	00-38-00
रोहन		8/7 पी		00-01-80
		5/1 पी		00-20-00
		1/2 पी		00-08-00
		11/2 पी		00-39-00

[फा. सं. एल-14014/12/06-जी.पी. (भाग-IV)]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 11th September, 2006

S.O. 3705.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 692(E), dated 14-06-2004 and S.O. 1734, dated 03-05-2006 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to those notifications for the purpose of laying pipeline for transport of natural gas through Dahej-Hazira-Uran & its spur pipelines (Panvel-Dabhol section) in the State of Maharashtra by the GAIL (India) Limited;

And, whereas copies of the said Gazette notifications were made available to the public from 21-01-2005 to 04-08-2006;

And whereas the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas the Competent Authority has, under Sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government has, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule;

And whereas part of the land notified under Sub-section (1) of Section 3 of the said Act *vide* S.O. 692 (E), dated 14-06-2004 has been earlier notified under Sub-section (1) of Section 6 of the said Act *vide* S.O. 2062, dated 18-05-2006 and S.O. 2063 dated 20-05-2006;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Taluka	Village	Survey No.	Area to be acquired for ROU (in Hect.)
1	2	3	4	5
Raigad	Roha	Balhe	61	01-70-00
		Yeral	T.Power	00-07-00
			Villagers	00-01-00
			Land	
	Mangaon	Vadpale	72/6 p	00-02-00
			49/A P	01-58-00
			50/1 P	00-49-00
	Panoshe		112	00-06-00
			137	00-15-00
	Bhale		114/3 P	00-03-00
			114/4 P	00-15-00
			114/5 P	00-31-00
	Devali		155/0 P	00-17-00
			154 P	00-02-00
			98/0 P	00-15-00
			97/0 P	00-64-00
			96/0 P	00-03-00

1	2	3	4	5	1	2	3	4	5
Raigad	Mangaon	Koshte	116/6A+B+C	00-04-00	Raigad	Mangaon	Hodgaon	171 P	00-59-00
		Budruk	116/7AP	00-32-00				177 P	00-50-00
			119/3P	00-26-00				153/20 P	00-27-70
		Javate	41/5/3+6/1P	00-05-00				153/19 P	00-11-00
			4/4P	00-02-00			Lonere	127/3	00-06-00
			1/5+2/5 P	00-07-00				127/4	00-01-00
			44/1P	00-37-00				127/6	00-08-00
			55/1/4 P	00-03-00				127/8	00-06-00
			53/16 P	00-01-00				125/1A	00-02-30
			45/21 P	00-01-00				125/1B	00-06-50
		Salve	539	00-06-00				125/1C	00-02-50
			541	00-03-00				125/2A	00-00-50
			542	00-01-00				126/1/15+5B	00-01-30
			540	00-09-00				126/1/9	00-03-50
			549	00-19-00				126/1/19+2+3A	00-04-50
			253	00-03-00				126/1/20+3B	00-03-70
		Khandpale	401	00-10-00				126/3D+4/11	00-06-20
			387	00-07-00				121/2	00-18-00
			352	00-19-00				124/1A1	00-04-00
			310	00-01-00				124/1A+2	00-08-00
		Gangavali	491/1 p	00-04-00				124/3	00-07-00
			369	00-09-00				123/1 B	00-02-50
			564 P	00-03-00				123/1A	00-01-00
			369	00-12-00				123/1D	00-06-00
		Koshte Budruk	107	01-51-00				133/1/1	00-13-00
			25/2 P	00-12-00				133/1/5	00-13-00
			25/6 P	00-13-00				133/7	00-07-00
			103/3 P	00-14-00				133/8C	00-03-50
			23	00-34-00				133/4	00-00-50
			149	00-34-00				134/1A	00-04-00
			150	00-00-00				134/1B	00-02-50
			39	00-05-00				134/1C	00-03-50
		Repoli	361	00-09-00				134/1D	00-03-00
		Nijampur	157/1(A+B)3	00-79-00				134/1E	00-05-00
		Talegaon	41 P	00-01-00				134/5	00-14-00
			67 P	00-23-00				134/6C	00-11-00
			76 P	00-48-00				135/1	00-00-50
		Mugavali	12/16 P	00-02-00				135/2	00-05-50
			12/34 P	00-16-00				135/3	00-06-00
			12/40 P	00-18-00				135/5A	00-01-50
			15/1 P	00-02-00				135/5B	00-07-50
			15/4 P	00-10-00				135/5C	00-06-00
			15/8 P	00-10-00				113/1/2B+1/1/6	00-12-00
			15/12 P	00-04-00				112/1A	00-12-00
			16/16 P	00-04-00				112/1B	00-10-00
			102/1 P	00-11-00				112/1C	00-09-50
			23/3 P	00-03-00				112/1D	00-07-00
			31/0 P	00-57-00				112/2/1	00-00-50
								112/2/6	00-04-50

1	2	3	4	5	1	2	3	4	5
Mangaon	Lonere	112/2/8	00-04-50		Raigad	Mahad	Khaire	5/1A+3 P	
—(Contd.)								5/1 B+1 P	
		84	00-16-50					5/1 B+2 P	
		82/6	00-06-00					5/1C P	00-39-00
		82/7	00-10-00					5/1EP	
		81/5	00-14-00					5/1D P	
		80/3	00-08-00					5/2A P	
		80/4	00-05-50					5/2B P	
		58/3	00-09-50						
		59/1A	00-10-00					24/6 P	00-01-00
		59/3A+1 C	00-08-00					24/7 P	00-03-00
		59/3C	00-07-50					20/1A P	00-61-00
		68/1	00-04-00					20/1 B P	
		68/2	00-02-00					20/3A+3B F	00-17-00
		68/3	00-03-00					20/3A2 P	
		68/4	00-09-00					Toll Budruk	234
		68/5	00-00-50						00-08-00
		67/2+4A	00-00-50						94
		61/1	00-06-50						00-07-00
		61/2/1	00-15-00						89
		61/2/7+3B	00-18-00						00-05-00
		66/2A	00-07-00						85
		66/2B	00-06-50						00-16-00
		66/2C	00-15-00						84
		63	00-24-50						00-02-00
		64	00-11-00						839
Mahad	Adloote	25/8 P	00-01-00						00-02-00
		25/11 P	00-02-00						706
		26/1 P	00-01-30						644
		31/10 P	00-01-00						663
		31/30 P	00-01-00						651
		31/35 P	00-10-00						605
		37/8' P	00-06-00						00-01-00
		37/33 P	00-01-00						891
		41/2C P	00-15-00						00-04-00
Sape		432	00-00-80						584
		449	00-02-00						583
		422	00-03-00						520
		400	00-04-50						521
		399	00-02-80						580
		360	00-02-00						581
		295	00-16-00						573
		275	00-03-00						563
		272	00-08-00						00-21-00
		236/1 to 5	00-15-00						565
		230	00-06-00						00-01-00
									556
									00-01-00
									558
									00-38-00
									00-01-80
									5/1 P
									00-20-00
									1/2 P
									00-08-00
									11/2 P
									00-39-00

[File No. L-14014/12/2006-G. P. (Part-IV)]

S. B. MANDAL, Under Secy.

नई दिल्ली, 12 सितम्बर, 2006

का. आ. 3706.—केन्द्रीय सरकार ने पेट्रोलियम और अनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2146 तारीख 01 जून, 2006, जो भारत के राजपत्र तारीख 03 जून, 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुन्डा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुन्डा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा थी ।

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 11 जुलाई, 2006, तो उपलब्ध कराई गई थी ।

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ।

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ।

अतः आ., केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह विदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन तीव्र तरीके से केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - ३१०१६/१०३ ओ.आर-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्यधीन सभी विलंगमों से गुजर, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील: झाजर		जिला: झाजर		राज्य: हरियाणा		
गाँव का नाम	ठदबस्त संख्या	मुस्तिल संख्या	खसरा/ किला संख्या	श्रेनिफल		
				हेक्टेयर	एयर	वर्गमीटर
1. लुडारी	250	37	24	00	01	07
			26	00	01	80
		59	14	00	01	44
			17	00	01	43
		95	11	00	00	71
		96	25	00	01	12
		119	15	00	00	62
		127	9	00	00	10
			12	00	02	39
			21/2	00	00	80
		144	15/1	00	00	62
			15/2	00	00	81
		145	1/1	00	00	10
			1/2	00	04	30
		153	5/1	00	01	24
			5/2	00	00	10
			14	00	00	57
			17	00	01	25
		167	3	00	01	41
			8	00	00	48
		174	1/2	00	01	12
			10	00	01	09
		175	25	00	00	42
		184	7	00	00	68
			18/1	00	03	06
			286	00	01	07
			288	00	00	67
2. कुतानी	276	14	20/1	00	02	44
			21	00	04	14
		26	16	00	01	22
			26	00	00	94
		55	13	00	00	42

तहसील: झाज्जर		ज़िला: झाज्जर		राज्य: छत्तीसगढ़		
गाँव का नाम		छद्दस्त संख्या	मुसातिल संख्या	खसरा/किला संख्या	श्रेत्रफल	
					हेक्टेयर	एक्टर
2. कुतानी (जारी...)	276	55	18	00	03	83
			23/1	00	00	77
		67	19/2	00	02	12
			22	00	02	19
		75	10/1	00	01	90
			20	00	02	42
			21	00	03	44
		86	16	00	00	93
		87	1/1	00	00	10
		95	5	00	00	10
			7/1	00	01	69
			14	00	02	23
			24/1	00	00	64
			24/2	00	00	35
		99	4	00	00	35
			132	00	00	84
			332	00	00	10
3. दादरी तोए	275	41	9	00	00	67
			22	00	00	62
		66	2	00	00	72
			20/2	00	01	30
		72	15	00	00	92
		115	16	00	00	51
			25/1	00	01	23
		122	14	00	00	10
			17/1	00	01	16
			24	00	00	25
		131	24/1	00	01	20
		136	18/2	00	00	70
			468	00	02	10
			496	00	00	60
4. मुनीमपुर कुकड़ोला	269	54	10	00	01	17
		72	5	00	00	94
			24	00	00	53
		79	24	00	01	39

तहसील: झज्जर		जिला: झज्जर		राज्य: हरियाणा		
गाँव का नाम	हृदबस्त संख्या	मुसानिल संख्या	खसरा/ किला संख्या	ब्रेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
5. बाठमनोला	270	27	7/1/2	00	02	47
		39	18	00	00	44
		44	19	00	01	10
			22	00	00	77
			26	00	00	20
		64	23	00	02	72
			27	00	01	72
		75	16	00	02	60
			25/1	00	00	58
			25/2	00	01	99
		79	14	00	01	62
			17/1	00	01	87
			17/2	00	00	88
			98	00	00	97
			333	00	00	60
6. लाडपुर	86	3	19	00	01	92
		.	21	00	04	74
		10	15	00	00	10
			16	00	00	51
			25	00	00	25
		27	17	00	00	53
			24	00	00	44
		45	12/2	00	00	25
		52	20	00	00	37
			21/2	00	00	55
		60	1/2	00	00	84
			10	00	00	76
		61	25	00	00	53
			125	00	00	60
			482	00	01	09
7. फैजाबाद उपर पाहसौर	87	18	17	00	00	70
		33	24	00	01	12
		49	3	00	01	71

तहसील: झज्जर		जिला: झज्जर			राज्य: हरियाणा		
गाँव का नाम	ठदबस्त संख्या	मुस्तिल संख्या	छसरा/ किला संख्या	श्रेन्नफल			
				हेक्टेयर	एयर	वर्गमीटर	
7. फेजाबाद उपर पाठसोर (जारी...)	87	49	9/1	00	01	67	
			75	00	00	95	
			88	00	00	80	
			93	00	01	63	

[फा. सं. आर-31015/36/2004 ओ.आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 12th September, 2006

S. O. 3706.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2146 dated the 1st June, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 3rd June, 2006, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 11th July, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

Tehsil : JHAJJAR		District : JHAJJAR			State : HARYANA		
Name of Village	Hadbas t No.	Mustil No.	Khasara / Killa No.	Area			
				Hectare	Are	Square Metre	
1. LOHARI	250	37	24	00	01	07	
			26	00	01	80	
		59	14	00	01	44	
			17	00	01	43	
		95	11	00	00	71	
		96	25	00	01	12	
		119	15	00	00	62	
		127	9	00	00	10	
			12	00	02	39	
			21/2	00	00	80	
		144	15/1	00	00	62	
			15/2	00	00	81	
		145	1/1	00	00	10	
			1/2	00	04	30	
		153	5/1	00	01	24	
			5/2	00	00	10	
			14	00	00	57	
			17	00	01	25	
		167	3	00	01	41	
			8	00	00	48	
		174	1/2	00	01	12	
			10	00	01	09	
		175	25	00	00	42	
		184	7	00	00	68	
			18/1	00	03	06	
			286	00	01	07	
			288	00	00	67	
2. KUTANI	276	14	20/1	00	02	44	
			21	00	04	14	
		26	16	00	01	22	
			26	00	00	94	
		55	13	00	00	42	

Tehsil : JHAJJAR		District : JHAJJAR		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
2. KUTANI (Contd...)	276	55	18	00	03	83
			23/1	00	00	77
		67	19/2	00	02	12
			22	00	02	19
		75	10/1	00	01	90
			20	00	02	42
			21	00	03	44
		86	16	00	00	93
		87	1/1	00	00	10
		95	5	00	00	10
			7/1	00	01	69
			14	00	02	23
			24/1	00	00	64
			24/2	00	00	35
		99	4	00	00	35
			132	00	00	84
			332	00	00	10
3. DADRI TOE	275	41	9	00	00	67
			22	00	00	62
		66	2	00	00	72
			20/2	00	01	30
		72	15	00	00	92
		115	16	00	00	51
			25/1	00	01	23
		122	14	00	00	10
			17/1	00	01	16
			24	00	00	25
		131	24/1	00	01	20
		136	18/2	00	00	70
			468	00	02	10
			496	00	00	60
4. MUNIMPUR KUKROLA	269	54	10	00	01	17
		72	5	00	00	94
			24	00	00	53
		79	24	00	01	39

Tehsil : JHAJJAR		District : JHAJJAR		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
1. SAMANOLA	270	27	7/1/2	00	02	47
		39	18	00	00	44
		44	19	00	01	10
			22	00	00	77
			26	00	00	20
		64	23	00	02	72
			27	00	01	72
		75	16	00	02	60
			25/1	00	00	58
			25/2	00	01	99
		79	14	00	01	62
			17/1	00	01	87
			17/2	00	00	88
			98	00	00	97
			333	00	00	60
2. LADPURA	86	3	19	00	01	92
			21	00	04	74
		10	15	00	00	10
			16	00	00	51
			25	00	00	25
		27	17	00	00	53
			24	00	00	44
		45	12/2	00	00	25
		52	20	00	00	37
			21/2	00	00	55
		60	1/2	00	00	84
			10	00	00	76
		61	25	00	00	53
			125	00	00	60
			482	00	01	09
7. FAIZABAD ALIAS	87	18	17	00	00	70
PASAOR		33	24	00	01	12
		49	3	00	01	71

Tehsil : JHAJJAR		District : JHAJJAR		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Acre	Square Metre
7. FAIZABAD ALIAS	87	49	9/1	00	01	67
PASAOR (Contd...)			75	00	00	95
			88	00	00	80
			93	00	01	63

[F. No. R-31015/36/2004-O.R. 4]

A. GOSWAMI, Under Secy.

नई दिल्ली, 12 सितम्बर 2006

का. आ. 3707.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपलब्धता के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1482 तारीख 12 अप्रैल, 2006, जो भारत के राजपत्र तारीख 15 अप्रैल, 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुद्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुद्रा के दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 27 जुन, 2006, को उपलब्ध कराई गई थी ;

और सकाम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जावे कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन कराये जा विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्राप्त शक्तियों पर प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों के प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में बिहित होने के बाजाए, इस मंत्रालय के सहमति पत्र सं. अर्ज. 31015/7/03 ओ.आर-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्याधीन सभी वित्तीय संस्थाएँ से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालिका: फलानगर		जिला: गुजरात			राज्य: हरियाणा		
गाँव का नाम	ठदबस्त संख्या	मुस्तिल संख्या	स्वसरा/किला संख्या	श्रेत्रफल			
				हेक्टेयर	एकर	घरेमीटर	
1. बिरठड़ा	5	5	23/2	00	00	90	
		16	11/1/2	00	01	35	
			11/2	00	02	89	
		31	2	00	00	20	
			3	00	03	68	
2. मुशोदपुर	6	9	23	00	00	30	
		20	5/2	00	00	30	
		34	23/2	00	01	28	

[फा. सं. आर-31015/35/2004 ओ.आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 12th September, 2006

S. O. 3707.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1482 dated the 12th April, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 15th April, 2006, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 27th June, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

Tehsil : FARUK NAGAR		District : GURGAON			State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killia No.	Area			
				Hectare	Are	Square Metre	
1. BIRHERA	5	5	23/2	00	00	90	
		16	11/1/2	00	01	35	
			11/2	00	02	89	
		31	2	00	00	20	
			3	00	03	68	
2. MUSHIDPUR	6	9	23	00	00	30	
		20	5/2	00	00	30	
		34	23/2	00	01	28	

[F. No. R-31015/35/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 12 सितम्बर, 2006

का. आ. 3708.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1227 तारीख 28 मार्च, 2006, जो भारत के राजपत्र तारीख 01 अप्रैल, 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुन्डा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुन्डा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 29 जून, 2006, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विविश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/1/03 ओ.आर-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्यधीन सभी विलंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

ताल्सील: रेवाडी	जिला: रेवाडी			राज्य: हारियाणा		
	गॉद का नाम	ठदब्बस्त संख्या	प्रसातिल संख्या	खसरा/किला संख्या	हेक्टेयर	एकर
1. जैतडावास		143	34	18	00	04
				22	00	02
			45	15	00	01
				17	00	01
				23	00	01
			46	1/2	00	49
				10	00	66
			48	11/2	00	00
			49	15/2	00	00
2. भाडावास		145	126	19/3	00	00
			128	13/1	00	00
			145	5/2	00	00
				14	00	46
				18/1	00	00
				22	00	51
			147	14	00	01
			148	1/2	00	02
				2	00	53
3. अवाडी		150	22	22	00	01
			26	13/1	00	04
				17/1	00	01
				18/1	00	00
				25/1	00	00
			27	21/2/1	00	03
				41	00	31
				79	00	06
4. कमालपुर		152	26	25	00	01
			28	23/1/2	00	01
			33	3/1	00	00
				3/2	00	00
				4	00	01
5. छुरियावास		157	6	3/1	00	01
				9	00	49
						72

तहसील: रेवाड़ी	ज़िला: रेवाड़ी	राज्य: हारियाणा				
		नवास्त संख्या	मुसलिल संख्या	खसरा/फिला संख्या	श्रेष्ठफल ठेकेयर	एयर वर्गमीटर
5. छुरियावास (जारी...)	157	6	10/1/2	00	00	45
		11	19	00	01	01
			27	00	00	49
		12	2/2	00	00	20
6. धामलाका	155	14	11/1	00	00	49
		15	15/1/3	00	00	10
			17	00	01	08
		18	4	00	00	21
7. शहबाजपुर खालसा	171	11	21/2	00	01	54
		19	5/2/2	00	01	33
		20	1/1	00	00	49
			2/1	00	00	40
			2/2	00	00	53
		25	3	00	00	42
		26	16/1	00	00	53
			17	00	00	56
8. बेरियावास	170	5	10	00	00	36
		7	16	00	00	82
		8	3	00	00	53
			12/2	00	01	38
			19	00	00	87
			97	00	00	60
9. माजरा गुरदास	188	4	24	00	00	66
		5	4	00	03	14
			8	00	03	95
			12	00	00	54
		15	14	00	00	76
10. कोनसीवास	174	11	25	00	00	63
		12	21	00	00	55
		13	1	00	00	10
		14	5	00	01	88

तहसील: रेवाढ़ी		ज़िला: रेवाढ़ी		राज्य: हारेयाणा		
गाँव का नाम	ठब्बत संख्या	मुसातिल संख्या	खसरा/किला संख्या	श्रेत्रफल		
				हेक्टेयर	एकर	घर्गभीटर
10. कोनसीवास (जारी...)	174	14	14	00	00	67
			17/2	00	00	42
11. कालाका	177	35	23/2	00	01	89
		42	3/2	00	00	20
			20/2	00	00	58
12. माडियां कलां	178	9	11/1	00	00	86
			11/2	00	00	47
		20	12/2	00	00	16
			19/3	00	01	31
			21	00	02	65
		23	6	00	00	51
			15	00	00	34
		30	7	00	00	28
13. खलीलपुरी	179	12	11	00	00	30
		13	24/2	00	00	45
			25/2	00	00	92
		18	4/2	00	00	68
			7/2/1	00	00	32
14. फिदेई	204	3	22	00	02	03
		6	21	00	00	61
		12	20	00	00	32
			21	00	01	16
		13	1	00	01	52
		21	7/2	00	00	81
			8/1	00	00	65
			22/3	00	02	36
			23/2	00	00	10
		24	1/2	00	00	10
			11/1	00	00	36
		25	16	00	00	27
		31	4	00	00	27
			17/2	00	05	40

गाँव का नाम	ठद्बस्त संख्या	मुस्तिल संख्या	खसरा/केला संख्या	राज्य: हरियाणा		
				ओत्रफल	ठेकेयर	एयर
14. फिरेही (जारी...)	204		24	00	00	51
			48	00	00	60
			162	00	00	93
15. बुडानी	208	7	24	00	00	92
		13	23/2	00	01	14
		15	3/1	00	01	37
			3/2	00	00	78
			12	00	00	40
			19	00	00	72
		20	19	00	00	85
			91	00	00	61
16. रामगढ़	209	24	5/1	00	00	95
		37	7/1	00	00	35
			14/1	00	00	22
17. डाबडी	210	29	15/1	00	00	44
			16/2	00	00	47
18. गोकलपुर	211	12	19/2	00	00	38
		25	16/1/1	00	01	42
		26	10/1/3	00	00	44
			11/1/1	00	01	93
19. जांधी	212	18	5	00	00	37
			18/2	00	00	43
		19	2	00	01	15
20. जाट सायरवास	213	29	22/2	00	00	10
		38	2/2	00	00	81
			22	00	00	67
		49	2	00	00	54
			10/1	00	00	46
			20	00	01	23
21. डवाना	156	8	1	00	00	51
			2	00	00	60

तहसील: रेवाढ़ी		जिला: रेवाढ़ी		राज्य: हारेयाणा		
वि का नाम	हृदबस्त संख्या	मुस्तिल संख्या	खसरा/किला संख्या	श्रेत्रफल		
		हेक्टेयर	एयर	वर्गमीटर		
21. छवाला (तरी...)	156	9	6	00	01	14
		13/1		00	00	82
		20		00	00	94

[फा. सं. आर-31015/50/2004 ओ.आर-II]
ए. शोस्वामी, अवर सचिव

New Delhi, the 12th September, 2006

S. O. 3708.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1227 dated the 28th March, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 1st April, 2006, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 29th June, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-310157/06 OR- II dated 25-11-2004.

SCHEDULE

Tehsil : REWARI		District : REWARI		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Meter
1. JAITRAWAS	143	34	18	00	04	97
			22	00	02	70
		45	15	00	01	27
			17	00	01	45
			23	00	01	46
		46	1/2	00	00	46
			10	00	00	65
		48	11/2	00	00	23
2. BHARAWAS	145	126	19/3	00	00	38
		128	13/1	00	00	47
		145	5/2	00	00	41
			14	00	00	46
			18/1	00	00	50
			22	00	00	51
		147	14	00	01	21
		148	1/2	00	02	46
3. BHAWARI	150	22	22	00	01	07
		26	3/1	00	04	34
			17/1	00	01	29
			13/1	00	00	10
			25/1	00	00	58
		27	21/2/1	00	03	14
			41	00	01	10
			79	00	00	79
4. KAMALPUR	152	26	25	00	01	5
		28	23/1/2	00	01	55
		33	3/1	00	00	12
			3/2	00	00	13
			4	00	01	13
5. CHHURIWAS	157	6	3/1	00	01	48
			9	00	00	72

Tehsil : REWARI		District : REWARI			State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area			
				Hectare	Are	Square Metre	
5. CHHURIWAS (Contd...)	157	6	10/1/2	00	00	45	
		11	19	00	01	01	
			27	00	00	49	
		12	2/2	00	00	20	
6. DHAMLAKA	155	14	11/1	00	00	49	
		15	15/1/3	00	00	10	
			17	00	01	08	
		18	4	00	00	21	
7. SHAHBAJPUR KHALSA	171	11	21/2	00	01	54	
		19	5/2/2	00	01	33	
		20	1/1	00	00	49	
			2/1	00	00	40	
			2/2	00	00	53	
		25	3	00	00	42	
		26	16/1	00	00	53	
			17	00	00	56	
8. BHARIWAS	170	6	10	00	00	36	
		7	16	00	00	82	
		8	3	00	00	53	
			12/2	00	01	38	
			19	00	00	87	
			97	00	00	60	
9. MAJRA GURDASS	188	4	24	00	00	66	
		5	4	00	03	14	
			8	00	03	95	
			12	00	00	54	
		15	14	00	00	76	
10. KONSIWAS	174	11	25	00	00	63	
		12	21	00	00	55	
		13	1	00	00	10	
		14	5	00	01	88	

Tehsil : REWARI		District : REWARI		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
10. KONSIWAS (Contd...)	174	14	14	00	00	67
			17/2	00	00	42
11. KALAKA	177	35	23/2	00	01	89
		42	3/2	00	00	20
			20/2	00	00	58
12. MANDIA KALAN	178	9	11/1	00	00	86
			11/2	00	00	47
		20	12/2	00	00	16
			19/3	00	01	31
			21	00	02	65
		23	6	00	00	51
			15	00	00	34
			30	00	00	28
13. KHALILPURI	179	12	11	00	00	30
		13	24/2	00	00	45
			25/2	00	00	92
		18	4/2	00	00	68
			7/2/1	00	00	32
14. FHIDERI	204	3	22	00	02	03
		6	21	00	00	61
		12	20	00	00	32
			21	00	01	16
		13	1	00	01	52
		21	7/2	00	00	81
			8/1	00	00	65
			22/3	00	02	36
			23/2	00	00	10
		24	1/2	00	00	10
			11/1	00	00	36
		25	16	00	00	27
		31	4	00	00	27
			17/2	00	05	40

Tehsil : REWARI		District : REWARI			State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killi No.	Area			
				Hectare	Are	Square Metre	
14. FHIDERI (Contd...)	204		24	00	00	51	
			48	00	00	60	
			162	00	00	93	
15. BUDHANI	208	7	24	00	00	92	
		13	23/2	00	01	14	
		15	3/1	00	01	37	
			3/2	00	00	78	
			12	00	00	40	
			19	00	00	72	
		20	19	00	00	85	
			91	00	00	61	
16. RAMGARH	209	24	5/1	00	00	95	
		37	7/1	00	00	35	
			14/1	00	00	22	
17. DABRI	210	29	15/1	00	00	44	
			16/2	00	00	47	
18. GOKALPUR	211	12	19/2	00	00	38	
		25	16/1/1	00	01	42	
		26	10/1/3	00	00	44	
			11/1/1	00	01	93	
19. JANTI	212	18	5	00	00	37	
			18/2	00	00	43	
		19	2	00	01	15	
20. JANTSAIRWAS	213	29	22/2	00	00	10	
		38	2/2	00	00	81	
			22	00	00	67	
		49	2	00	00	54	
			10/1	00	00	46	
			20	00	01	23	
21. DAWANA	156	8	1	00	00	51	
			2	00	00	60	

Tehsil : REWARI		District : REWARI			State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area			
				Hectare	Are	Square Metre	
21. DAWANA (Contd...)	156	9	6	00	01	14	
		13/1		00	00	82	
			20	00	00	94	

[F. No. R-31015/50/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 13 सितम्बर, 2006

का. आ. 3709.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि प्राकृतिक गैस के परिवहन के लिए जामनगर - भोपाल और काकिनाडा - हैदराबाद - गोवा पाइपलाइन को आपस में जोड़ने के लिए गैस द्रान्सपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड (अभी इसका नामरिलायन्स गैस द्रान्सपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड तबदील किया है) द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उसमें उपयोग के अधिकार का अर्जन के सम्बन्ध में श्री. जे. एन. अमीन, सक्षम प्राधिकारी, रिलायन्स गैस द्रान्सपोर्टेशन इन्फ्रास्ट्रक्चर लिमिटेड, पाइपलाइन परियोजना, आनंद महल अपार्टमेंट, आनंद महल रोड, अडाजन, सूरत - 395009, गुजरात राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील ४ उमरगाम	जिल्ला ४ वलसाड	राज्य ४ गुजरात		
		आर ओ यु अर्जित करने के लिये क्षेत्रफल	हेक्टेयर	स्थान
गाँव का नाम	सर्वे नंबर / ब्लॉक नं	4	5	स्थान
1	2	3	4	5
1. झरोली	141*	01	13	38
	रोड	00	01	57
	143	00	81	33
	144	00	04	85
	145	00	16	51
तहसील ४ पारडी	जिल्ला ४ वलसाड	राज्य ४ गुजरात		
1. झुंगरा	115*	00	06	03
	122*	00	25	63
2. पंडोर	249*	00	66	63
	218	00	16	95
	213*	00	31	69

[क्र. सं. एल-14014/40/2004-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 13th September, 2006

S. O. 3709.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through an interconnection between Jamnagar - Bhopal and Kakinada - Hydrabad - Goa pipeline, a pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited now renamed as Reliance Gas Transportation Infrastructure Ltd;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government here by declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri J.N.Amin, Competent Authority, M/s Reliance Gas Transportation Infrastructure Ltd, Pipeline Project, Anand Mahal Apartment, Anand Mahal Road, Adajan, Surat – 395009, Gujarat.

SCHEDULE

Tehsil : Umargam		District : Valsad		State : Gujarat		
Name of the Village	Survey No./Block No.	Area to be acquired for ROU.			C-Are	
		Hectare	Are	C-Are		
1	2	3	4	5		
1.Zaroli	141*	01	13	38		
	Road	00	01	57		
	143	00	81	33		
	144	00	04	85		
	145	00	16	51		

Tehsil : Pardi		District : Valsad		State : Gujarat		
1.Dungra	115*	00	06	03		
	122*	00	25	63		
2. Pandor	249*	00	66	63		
	218	00	16	95		
	213*	00	31	69		

[F. No. L-14014/40/2004-G.P.]
S.B MANDAL, Under Secy.

नई दिल्ली, 13 सितम्बर, 2006

का. आ. 3710.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 441 तारीख 27-01-2006 द्वारा, उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा महाराष्ट्र राज्य में दहेज-हजीरा-उरान एवं स्पर पाइपलाईनों के माध्यम से प्राकृतिक गैस परिवहन के लिए पाइपलाईन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचनाओं की प्रतियाँ जनता को तारीख 25-04-2006 तक उपलब्ध करा दी गई थी;

और पाइपलाईन बिछाने के संबंध में जनता से कोई आक्षेप प्राप्त नहीं हुए;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाईनों बिछाने के लिए अपेक्षित हैं, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाईनों बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाईनों बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने की बजाए, पाइपलाईनों बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहीत होगा और तदृपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विलंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्व नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्ट. में)
1	2	3	4	5
लाल	विक्रमगढ़	कुर्जे	206	00-01-00
			197	00-36-00
			196	00-01-00
			218	00-01-00
			219	00-01-00
			224	00-11-00
			242	01-05-00
			299	00-01-00
			297	00-23-00
			298	00-23-00
			295	00-05-00
			294	00-21-00
			301	00-32-00
			307	00-56-00
			310	00-05-00
			312	00-12-00
			498	00-10-00
			511	00-09-00
			203	00-64-00
लाल	विक्रमगढ़	आरटी बटुक	32	00-00-20

[पा. सं. एल -14014/12/2006-जी. पी. (भाग-II)]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 13th September, 2006

S. O. 3710.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 441 dated 27-01-2006 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of natural gas through Dahej-Hazira-Uran & its spur pipelines in the State of Maharashtra by the GAIL (India) Limited;

And whereas copies of the said Gazette notifications were made available to the public on 25-04-2006;

And whereas no objections were received from the public to the laying of the pipeline;

And whereas the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government has, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

DISTRICT	TALUKA	VILLAGE	Survey No.	Area to be acquired for ROU (in Hect.)
1	2	3	4	5
THANE	Vikramgad	Kurze	206	00-01-00
			197	00-36-00
			196	00-01-00
			218	00-01-00
			219	00-01-00
			224	00-11-00
			242	01-05-00
			299	00-01-00
			297	00-23-00
			298	00-23-00
			295	00-05-00
			294	00-21-00
			301	00-32-00
			307	00-56-00
			310	00-05-00
			312	00-12-00
			498	00-10-00
			511	00-09-00
			203	00-64-00
THANE	Vikramgad	Apti Budruk	32	00-00-20

नई दिल्ली, 14 सितम्बर, 2006

का. आ. 3711.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1229 तारीख 31 मार्च, 2006, जो भारत के राजपत्र तारीख 01 अप्रैल, 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुन्द्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता, को तारीख 28 जुन, 2006, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर-॥ दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्यधीन सभी विलंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसुधा

तहसील: बहादुरगढ़		जिला: झज्जर		राज्य: हरियाणा		
गाँव का नाम	ठदबस्त संख्या	मुसातिल संख्या	खसरा/ किला संख्या	श्रेत्रफल		
				हेक्टेयर	एकर	वर्गमीटर
1. बादली	72	4	6	00	00	61
			14	00	00	25
			12	8/4	00	30
			12	00	02	05
			20	5/1	00	38
			5/2	00	00	10
			7/2	00	00	48
			12	00	00	51
			21	00	02	05
			620	00	01	60
2. नोठमदपुर माजरा	88	9	2059	00	00	30
			2061	00	00	20
			2175	00	00	10
			10/1	00	00	10
			32	15	00	10
3. गोयला कलां	58	77	84	00	00	55
			90	00	00	60
			125	00	01	50
			78	5/3	00	20
			19	17/1	00	50
4. बुपनियां	59	19	42	220	00	91
			59	14/1	00	98
			14/2	00	00	54
			23/2	00	00	15
			24	00	01	22
			66	4/2	00	20
			88	10/2	00	80
			89	25/1	00	97
			96	6/1	00	10

तहसील: बहादुरगढ़		ज़िला: झज्जर			राज्य: हरियाणा		
गाँव का नाम	ठदबस्त संख्या	मुसातिल	खसरा/ किला	श्रेत्रफल			
		संख्या	संख्या		हेक्टेयर	एकर	वर्गमीटर
4. बुपनियां (जारी...)		159	22/1	00	00	96	
		181	2	00	00	13	
			1499	00	01	00	
			1520	00	00	90	
5. छाबोदा खुर्द	49	36	3/2	00	01	22	
			8/1/2	00	00	63	
			8/2/1	00	00	20	
			13/2/2	00	01	18	
		66	25	00	00	61	
		67	9/1	00	00	20	
			11	00	02	44	
		79	21	00	02	98	
		94	26	00	00	78	
			168/2	00	01	23	
6. महब्दीपुर	50	11	3	00	01	18	
			8/2	00	00	29	
			12/1	00	01	82	
		27	7	00	00	20	
		34	6	00	00	20	
			17/1	00	00	89	
			190	00	00	20	
7. माण्डोठी	53		1366	00	00	74	
			1381	00	02	42	
			5425/1440/1	00	04	29	
			5419/1441/1	00	03	53	
			5418/1441/2	00	04	40	
			1741	00	00	71	
			1751	00	00	30	
			4592/1770/2	00	00	59	
			4662/2217/1	00	01	88	
			2236	00	00	35	

तहसील: बहादुरगढ़		ज़िला: झज्जर			राज्य: हरियाणा		
गाँव का नाम	हृष्ट संख्या	हृष्ट संख्या	मुसातिल संख्या	खसरा/ किला संख्या	श्रेत्रफल		
		हेक्टेयर	एयर	वर्गमीटर			
8. जासोदा	41	39	6	00	03	36	
9. आसोदा टोडरान	28		837	00	01	49	
			840	00	00	10	

[फा. सं. आर-31015/48/2004 ओ.आर.-II]
ए. गोस्वामी, अवर सचिव

New Delhi, the 14th September, 2006

S. O. 3711.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1229 dated the 31st March, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 1st April, 2006, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 28th June, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

Tehsil : BAHADURGARH		District : JHAJJAR		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
1. BADLI	72	4	6	00	00	61
			14	00	00	25
			12	8/4	00	30
			12	00	02	05
			20	5/1	00	38
			5/2	00	00	10
			7/2	00	00	48
			12	00	00	51
			21	00	02	05
			620	00	01	60
2. MOHAMAD PUR MAJRA	88	9	2059	00	00	30
			2061	00	00	20
			2175	00	00	10
			10/1	00	00	10
			32	15	00	10
3. GOYALA KALAN	58	77	84	00	00	55
			90	00	00	60
			125	00	01	50
			10	00	00	48
			78	5/3	00	20
4. BHUPANIA	59	19	17/1	00	02	50
			42	220	00	91
			59	14/1	00	98
			14/2	00	00	54
			23/2	00	00	15
			24	00	01	22
			66	4/2	00	20
			88	10/2	00	80
			89	25/1	00	97
			96	6/1	00	10

Tehsil : BAHADURGARH		District : JHAJJAR		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
4. BHUPANIA (Contd...)		159	22/1	00	00	98
		181	2	00	00	10
			1499	00	01	00
			1520	00	00	90
5. DABODA KHURD	49	36	3/2	00	01	22
			8/1/2	00	00	63
			8/2/1	00	00	20
			13/2/2	00	01	18
			66	25	00	61
			67	9/1	00	20
				11	00	44
			79	21	00	98
			94	26	00	78
				168/2	00	01
6. MEHINDIPUR	50	11	3	00	01	18
			8/2	00	00	29
			12/1	00	01	82
			27	7	00	20
			34	6	00	20
				17/1	00	89
				190	00	20
7. MANDOTHI	53		1366	00	02	74
			1381	00	02	42
			5425/1440/1	00	04	29
			5419/1441/1	00	03	53
			5418/1441/2	00	04	40
			1741	00	00	71
			1751	00	00	30
			4592/1770/2	00	00	59
			4662/2217/1	00	01	88
				2236	00	35

Tehsil : BAHADURGARGH		District : JHAJJAR		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killā No.	Area		
				Hectare	Are	Square Metre
8. JAKHODA	41	39	6	00	03	36
9. ASUDHA TODRAN	28		837	00	01	49
			840	00	00	10

[F. No. R-31015/48/2004-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 14 सितम्बर, 2006

का. आ. 3712.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1481 तारीख 10 अप्रैल, 2006, जो भारत के राजपत्र तारीख 15 अप्रैल, 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुन्डा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुन्डा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 27 जुन, 2006, को उपलब्ध करा दी गई थी ;

और सकाम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आस-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्यधीन सभी विलंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अकुसुधी

तहसील: पाटोदी		जिला: गुङ्गाव		राज्य: ढारियाणा		
गाँव का नाम	ठदबस्त संख्या	मुसातेल संख्या	असरा/फेला संख्या	हेक्टेयर	एयर	वर्गमीटर
1. धोलबावास	273	34	17/1/2	00	06	43
2. खलोलपुर	272	10	21/2	00	00	97
		13	24	00	00	78
		20	4	00	00	86
		24	23/1	00	01	33
		32	3	00	00	52
3. ओतेयावास	268	11	8/1	00	01	46
		18	17/2	00	00	87
		28	4	00	00	20
4. बलेवा	271	6	2/1	00	00	27
5. बपास	266	3	14	00	00	95
		16	19	00	01	42
6. गांगली	267	9	19	00	00	86
		22		00	00	26
		12	2	00	00	20
7. पहाड़ी	265	1	18	00	00	34
		22	19	00	01	23
			324/1	00	00	43
8. मौजाबाद	21	6	20	00	00	83
9. डाढ़ावास	20	30	8/2	00	00	30
10. हक्कारपुर	19	16	16/1	00	00	80
			16/2	00	00	53
			25/1	00	00	49
		25	3/2	00	00	10
			4	00	00	66
			7/2	00	00	69
			8	00	00	35
			22	00	00	70
			23/2	00	00	36
		37	12	00	00	20
			21/1	00	00	68
		42	17/1	00	00	62
11. शेरपुर	16	4	14/2	00	00	67
			17	00	01	18
		8	7/2	00	00	29
			8/1	00	00	73
			8/2	00	00	10
			13	00	01	44
			18	00	00	31
			23/1	00	00	24
		26	9/2	00	00	60

ल.पा. नं. पाटोदी	जिला: गुळगांव			राज्य: हारियाणा		
	ठदबस्त	मुसातिल	असरा/केला	ब्रेट्रफल	हेक्टेयर	एयर
लॉट नं. वा. नाम	संख्या	संख्या	संख्या			
11. शरावट (लारी...)	16	26	19	00	00	57
			22/1	00	00	20
		49	26	00	01	62
		61	12	00	00	87
			82	00	01	83
12. शरावट	8	3	23	00	01	52
		12	2/1	00	00	34
			21	00	01	46
		17	23	00	00	20
		28	3	00	02	79
			12	00	00	77
			19/1	00	00	70
		32	16/1	00	00	23
		33	2	00	00	40
			10	00	00	38
			11	00	00	63

[फा. सं. आर-31015/49/2004 आ.आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 14th September, 2006

S.O. 3712.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1481 dated the 10th April, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 15th April, 2006, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 27th June, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions enunciated vide this Ministry's consent letter no. R-31015/7/03 OR-II dated 25-11-2004.

SCHEDULE

Tehsil : PATODI		District : GURGAON			State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area			
				Hectare	Are	Square Metre	
1. GHILANAWAS	273	34	17/1/2	00	06	43	
2. KHALILPUR	272	10	21/2	00	00	97	
		13	24	00	00	78	
		20	4	00	00	86	
		24	23/1	00	01	33	
		32	3	00	00	52	
3. KHETIAWAS	268	11	8/1	00	01	46	
		18	17/2	00	00	87	
		28	4	00	00	20	
4. BALEWA	271	6	2/1	00	00	27	
5. BAPAS	266	3	14	00	00	95	
		16	19	00	01	42	
6. GANGLI	267	9	19	00	00	86	
			22	00	00	26	
		12	2	00	00	20	
7. PAHARI	265	1	18	00	00	34	
		22	19	00	01	23	
			324/1	00	00	43	
8. MOZZABAD	21	6	20	00	00	83	
9. DADAWAS	20	30	8/2	00	00	30	
10. HAKDARPUR	19	16	16/1	00	00	80	
			16/2	00	00	53	
			25/1	00	00	49	
		25	3/2	00	00	10	
			4	00	00	66	
			7/2	00	00	69	
			8	00	00	35	
			22	00	00	70	
			23/2	00	00	36	
		37	12	00	00	20	
			21/1	00	00	68	
		42	17/1	00	00	62	
11. SHERPUR	16	4	14/2	00	00	67	
			17	00	01	18	
		8	7/2	00	00	29	
			8/1	00	00	73	
			8/2	00	00	10	
			13	00	01	44	
			18	00	00	31	
			23/1	00	00	24	
	26		9/2	00	00	60	

Tehsil : PATODI		District : GURGAON			State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area			
				Hectare	Are	Square Metre	
11. SHERPUR (Contd...)	16	26	19	00	00	57	
			22/1	00	00	20	
		49	26	00	01	62	
		61	12	00	00	87	
			82	00	01	83	
12. RAJPURA	8	3	23	00	01	52	
		12	2/1	00	00	34	
			21	00	01	46	
		17	23	00	00	20	
		28	3	00	02	79	
			12	00	00	77	
			19/1	00	00	70	
		32	16/1	00	00	23	
		33	2	00	00	40	
			10	00	00	38	
			11	00	00	63	

[F. No. R-31015/49/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 14 सितम्बर, 2006

का. आ. 3713.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1624 तारीख 27 अप्रैल, 2006, जो भारत के राजपत्र तारीख 29 अप्रैल, 2006, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुद्दा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुद्दा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 28 जुन, 2006, को उपलब्ध कराई गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शब्दियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्यादीन सभी विलंगमों से मुक्त, ठिकुस्ताब प्रेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसुची

तहसील: बावल	जिला: रेवाड़ी	राज्य: हरियाणा	श्रेवफल						
			गाँव का नाम	ठदबस्त संख्या	मुसातेल संख्या	खसरा/किला	संख्या	हेक्टेयर	एयर
1. खण्डेवडा	50	17			12		00	01	19
		43			6/2		00	01	56
					23/1		00	02	00
2. मोहनपुर	20	2			17		00	01	87
					23/2		00	00	15
3. सांजरपुर	16	7			6/1		00	05	82
					6/2		00	00	50
					17/1		00	00	28
					18/1		00	00	41
					18/2		00	01	05
					23/1		00	00	20
4. मैरामपुर भडनी	9	32			10		00	00	20
					19		00	00	60
					21		00	00	20
5. मोहम्मदपुर	12	14			4/2		00	00	20
					11/1/2		00	00	78
					21		00	01	36
					28		00	01	00
					12/2		00	01	05
					21		00	00	40
					32		00	00	93
					5		00	01	27
					309/3		00	00	90
6. नैचाना	1	9			24		00	00	24
		21			15/2		00	00	15
					17		00	00	33
		22			11/2		00	02	17
					86		00	00	55
7. सुलखा	2	88			9		00	00	29
					20		00	00	33
		89			23		00	00	32
					25		00	00	40

2	1	3	4	5	6	7	8
7. सुनिधि (5127...)			104	2	00	00	22
				174	00	00	52
				181	00	00	60

[फा. सं. आर-31015/34/2004 ओ.आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 14th September, 2006

S. O. 3713.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1624 dated the 27th April, 2006, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 29th April, 2006, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 28th June, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

Tehsil : BAWAL		District : REWARI			State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area			
				Hectare	Are	Square Metre	
1. KHANDEWRA	50	17	12	00	01	19	
		43	6/2	00	01	56	
			23/1	00	02	00	
2. MOHANPUR	20	2	17	00	01	87	
			23/2	00	00	15	
3. SANJARPUR	16	7	6/1	00	05	82	
			6/2	00	00	50	
			17/1	00	00	28	
			18/1	00	00	41	
			18/2	00	01	05	
			23/1	00	00	20	
			10	00	00	20	
4. BEHRAMPUR BHARANGI	9	32	19	00	00	60	
			21	00	00	20	
5. MOHAMADPUR	12	14	4/2	00	00	20	
			11/1/2	00	00	78	
		21	25/1	00	01	36	
		28	8/2/1	00	01	00	
			12/2	00	01	05	
			21	00	00	40	
		32	4	00	00	93	
			5	00	01	27	
			309/3	00	00	90	
			24	00	00	24	
6. NECHANA	1	9	15/2	00	00	15	
			17	00	00	33	
		22	11/2	00	02	17	
			86	00	00	55	
7. SULKHA	2	88	9	00	00	29	
			20	00	00	33	
		89	23	00	00	32	
			25	00	00	40	
		104	2	00	00	22	
			174	00	00	52	
			181	00	00	60	

[F. No. R-31015/34/2004-O.R.-II]
A. GOSWAMI, Under Secy.

2733G1/06-12

अम और रोजगार मंत्रालय

नई दिल्ली, 18 अगस्त, 2006

का.आ 3714.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिजर्व बैंक ऑफ इंडिया को प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अमुर्त्य में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण सं. I, मुम्बई के पंचाट (संदर्भ संख्या 50 ऑफ 2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-2006 को प्राप्त हुआ था।

[स. एल-12012/95/2004-आई आर(बी-1)]

अजय कुमार, डैस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 18th August, 2006

S.O. 3714.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50 of 2004) of the Central Government Industrial Tribunal-cum-Labour Court No. I. Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Reserve Bank of India and their workmen, which was received by the Central Government on 17-8-2006.

[No. L-12012/95/2004-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1, MUMBAI

Present :

Justice Ghanshyam Dass, Presiding Officer

Reference No. CGIT-50 of 2004

Parties : Employers in relation to the management of Reserve Bank of India

AND

Their workmen

APPEARANCES :

For the Management : Mr. Hari Phanj Kumar,
Legal Officer

For the workman : Ms. Salvi, Adv.

State : Maharashtra

Mumbai dated the 28th day of July, 2006.

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of Sub-section 1

and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi, Order No. L-12012/95/2004 IR(B-I) dated 10-6-2004. The terms of reference given in the schedule are as follows :—

“Whether the action of the management of Reserve Bank of India, Mumbai in dismissing the services of Shri. D.K. Tatkare, w.e.f. 17-10-2002 is justified? If not to what relief Shri. D.K. Tatkare is entitled to?”

2. The workman Mr.D.K.Tatkare was charge sheeted on 07-3-2002 for gross misconduct by remaining absent from duty without prior sanction/intimation and not submitting leave applications in time in breach of Regulation 39 of the R.B.I. (Statr Regulation 1948) (hereinafter referred to as Regulation for short). The workman was absent on 51 occasions for a total period of 5 months and 29 days during the period from 1st Jan 1999 to 31-12-2001. The details of the absence have been givenout in the enclosure to the charge sheet. The domestic enquiry was conducted. After the enquiry, the workman was dismissed by the Competent Authority vide order dt. 16-10-2002. The workman preferred the appeal against order of dismissal. The Appellate Authority dismissed the appeal vide order dt. 02-12-2002. The workman then raised the dispute before the Conciliation Officer, concerned Assistant Labour Commissioner (Central) It suggested to the Bank to consider reinstatement but the Bank did not agree. Consequently, the workman raised the dispute and under these circumstances, the instant reference has come to this Tribunal for decision.

3. The workman filed a detailed Statement of Claim dt. 30-7-2004. He has himself quoted down the Regulation 39 vide para 5 which reads as under.

39. (1) An employee shall not absent himself duties without having first obtained the permission of the competent authority, nor shall he absent himself in case of without sickness or accident without submitting a sufficient medical certificate. Employees not to be absent from duty without permission or be late in a Attendance.

(2) An employee who absents himself from duty without leave or overstays his leave, except under circumstances beyond his control for which he must tender a satisfactory explanation, shall not be entitled to draw any pay and allowances during such absence or overstayal, and shall further be liable to such disciplinary measures as the competent authority may impose. The period of such absence or overstayal may, if not followed by discharge under Regulation 22 or termination of services under Regulation 25 or dismissal under Regulation 47, be treated as period spent on extraordinary leave.

(3) An employee who is habitually late in attendance shall in addition to such other penalty as the competent

authority may deem fit to impose, have one day of casual leave forfeited or every three days he is late in a month. Where such an employee who has no casual leave due to him the period of leave to be so forfeited may be treated as ordinary or extraordinary leave as the competent authority may determine.

4. The workman contended that out of 51 occasions of absence the absence for twenty six occasions was only of a day, on ten occasions the absence was for two days, on five occasions the absence was for three days and on five occasions the absence was for four days. Thus, the absence on 45 occasions out of fifty one occasions was of casual nature necessitated by sickness or unexpected domestic work. Even the long absence on two occasions was on account of illness of the wife of the workman. Hence, it was not possible to obtain prior sanction or intimation of absence. The absence was on account of circumstances beyond the control of the workman. Thus, it is covered by the exceptions of the Regulation 39 quoted above. The workman submitted leave applications within a reasonable time but he was never advised regarding the rejection of the leave applications or to submit any medical certificate. The absence of the workman should have been regularized by the Bank by granting the leave as sufficient leave was due to the workman. The Bank did not comply with the provisions of the Regulation and illegally dismissed the workman vide final order of dismissal dt.16-10-2002. The Competent Authority has already regularized the period of absence of five months and twenty nine days by grant of extra leave without pay and allowance, not granting of increment and not granting of qualified service for other purposes. Hence, for these reasons too the dismissal order is liable to set aside. It is also contended that extreme penalty of dismissal is definitely disproportionate to the charge of misconduct and it should be set aside by this Tribunal exercising its power under Section 11-A of the Industrial Dispute Act.

5. The Bank has filed its reply. It is submitted that the workman was appointed as Part-time Farash in the Bank service on 27-1-1981. He was appointed as Full-time Farash on 16-9-1994. He was not confirmed till the date of his dismissal on account of his unauthorized absence from office, for which he was charge sheeted on four occasions viz. on 3-4-1990, 8-8-1995, 30-11-1997 and 15-4-1999. On the charges being conclusively established and proved during the course of departmental enquiry, he was awarded penalties of reduction in pay by one stage permanently, by six stages permanently, by four stages permanently and by two stages for two years respectively. Though the Bank had adopted a lenient view on earlier occasions while awarding punishment to the workman, the workman did not improve his attendance and he was finally charge sheeted for total absence of five months and twenty nine days for fifty one spells of unauthorized absence during the period w.e.f 01-1-1999 to 31-12-2001 as detailed

in the charge sheet. The workman accepted the charges. The enquiry was conducted in accordance with the procedure in vogue under Regulation 47 in accordance with principle of natural justice. The workman admitted the charges and stated that due to sickness of his wife and his child he was forced to remain absent. He requested for a lenient view. The Enquiry Officer found the workman guilty. A copy of the report was supplied to the workman. The workman did not submit any representation. A show cause notice for the proposed punishment of dismissal was issued to the workman vide order dt.24-9-2002. The workman filed his representation dt. 9-10-2002. The Competent Authority passed the final order dt. 16-10-2002 for dismissal of the workman. The appeal preferred by the workman resulted in dismissal vide order dt. 8-4-2001. The contentions raised by the workman have been refuted.

6. The workman has filed the affidavit of Shri.T. G. Nair in the capacity of Honorary Advisor to the Reserve Bank of India Workers Union which has espoused the cause of the workman. He stated that he had been present in the Conciliation proceedings before the Assistant Labour Commissioner (Central). He further stated that the admission of the charge was made by the workman before the enquiry officer, but his admission was based on oral assurance given to him by the Management that his case would be considered sympathetically and a lenient view would be taken. He has supported the case of the workman. He was cross-examined by the learned Advocate for the Bank. He admitted that he came to know through the Union Office that the Management had given a assurance to the workman that his case would be considered sympathetically and a lenient view would be taken. He has filed his affidavit on the basis of the knowledge derived from the Union. The Management has the discretion either to sanction or refuse to sanction the leave but the discretion must be exercised judiciously in favour of the workman.

7. The Bank did not lead any evidence except the documents to show the enquiry proceedings and the report of the Enquiry Officer.

8. I have heard the learned counsel for the parties. I have also perused the written submissions made by them and the record.

9. The following issues arises for consideration :

- (i) Whether the enquiry is just and fair?
- (ii) Whether the finding of the Enquiry Officer is perverse?
- (iii) Whether the punishment awarded to the workman is disproportionate to the charge of misconduct? What relief?

FINDINGS:

ISSUE NO. 1 AND 2: The workman did not appear in person to state anything before the Tribunal. He had filed

the Statement of claim in the capacity of self as workman but he chose to produce Mr. Nair in evidence on his behalf. The evidence given out by Mr. Nair cannot be relied upon since it is not based on personal knowledge. It could neither be based on personal knowledge because he appeared as a witness being the Honorary Advisor of the Union. The alleged story of assurances given by the Management for leniency into the matter is thus not acceptable.

11. The workman has nowhere disputed the period of absence as given out in the charge sheet. The period of absence is admitted at each and every stage. Nothing is brought on record to show that enquiry is not just and fair. Sufficient evidence is available that the workman absented himself for a period of five months twenty nine days on fifty one occasions during the period 1-1-1999 to 31-12-2000. No doubt, the absence appears mostly of casual nature being absence for a day or so although long absence is also there in addition to casual absence. The burden lies upon the workman to make satisfactory explanation for absence. The workman cannot claim the leave as of right irrespective of the fact where the leave is due or not. The Bank is not obliged to ask the workman to file the medical certificate. Non asking of medical certificate by the Bank *ipso facto* cannot be taken to be the waiver of filing of medical certificate unless the leave is sanctioned by the Bank. It appears that the conduct of the workman is not up to the mark when he absents himself from duty on as many as fifty one occasions but does not care for getting the leave sanctioned. The explanation offered by the workman that he remained absent casually or for the reason beyond his control can not be on the face of it accepted as correct unless supported by some evidence. The absence on the ground of illness either to self or wife or child cannot be taken to be correct on the face of it unless something is filed before this Tribunal to show the satisfactory proof thereof. The Regulation 39 which has been quoted by the workman does not give the Authority to the workman to claim the leave as of right. There appears to be no violation of any exceptions to Regulation 39 by the Bank. The absence is also to be considered in view of the fact that the workman had earlier been charge sheeted on four occasions for absence and had been punished for all four charge sheets. The workman cannot be said to be ignorant for leave rules. The finding of the Enquiry Officer is not either challenged to be perverse nor it could be. Considering the record I conclude that the enquiry is just and fair and the workman has been rightly held guilty for misconduct.

ISSUE NO. 3:

The main emphasis of the workman is on the provisions of Section 11-A of the Act and it is contended that the punishment of dismissal is definitely shocking and disproportionate to the charge of misconduct. It is submitted by the learned counsel for the workman that the punishment awarded to the workman is definitely

disproportionate and futher the order of dismissal is liable to be set aside in view of the fact that the Bank has already regularized the period of absence of five months and twenty nine days by grant of extraordinary leave without pay and allowances in the later part of the impugned order.

14. The argument of the learned counsel for the workman regarding the regularization of the period of absence has no merits in view of the law settled down by the Honourable Supreme Court in the case of Maan Singh (Supra) whereby the Honourable Supreme Court did not accept the regularization of unauthorized absence to be a ground for setting aside the order of dismissal.

15. The learned counsel for the Bank has filed certain citations and stated that the Bank is neither harsh nor disproportionate or it is liable to set aside or modified in any manner. The punishment of dismissal is just in view of the past history of the workman in addition to the charge of misconduct by way of impugned charge sheet. It is submitted that the Bank cannot afford such a irresponsible worker who did not care to improve his attendance despite the fact that he had been punished substantially in four occasions for the earlier four charge sheets. The workman is definitely incorrigible. The fact put forth by the workman had been already considered by the Appellate Authority of the Bank which dismissed the appeal after passing the detailed order dated 08-4-2000. It is emphasized that the powers vested in this Tribunal under Section 11-A of the Act are not to be exercised in favour of the workman since there sufficient ground or mitigating circumstance to warrant that course of action particularly keeping in mind the law laid down by the Honourable Supreme Court in the following cases:

- (1) AIR 2003 Supreme Court 1800 in between Maan Singh vs. Union of India;
- (2) 2004 III LLJ Supreme Court page 543 in between Delhi Transport Corporation and Sardar Singh;
- (3) AIR 2005 Supreme Court page 1924 in between Madhya Pradesh Electricity Board vs. Jagdish Chandra Sharma;
- (4) AIR 2005 Supreme Court 1993 in between Mahindra and Mahindra Ltd. vs. N.B. Naravade; and
- (5) SC—2006-390 in between North Eastern Karnataka R.T. Corp. vs. Ashappa.

16. After going through the aforesaid rulings, I conclude that the powers under Section 11-A are to be exercised in favour of the workman for reducing the quantum of punishment only when it is found to be really disproportionate for which there should be some mitigating circumstances or past conduct of the workman. It has been observed by the Honourable Supreme Court in the case of Mahindra & Mahindra Ltd. (Supra) that the Labour Court

cannot by way of sympathy alone exercise power under Section II-A and reduce the punishment. In case of North Eastern Karnataka R.T. Corp. Vs. Ashappa (Supra) the Honourable Supreme Court approved the observation made by it in the case of Hombe Gowda Educational Trust and another Vs. State of Karnataka and others whereby the Honourable Supreme Court had opined:

"The Tribunal's jurisdiction is akin to one under Section 11-A of the Industrial Disputes Act. While exercising such discretionary jurisdiction, no doubt it is open to the Tribunal to substitute one punishment by another; but it is also trite that the Tribunal exercises a limited jurisdiction in this behalf. The jurisdiction to interfere with the quantum of punishment could be exercised only when, *inter alia*, it is found to be grossly disproportionate.

This Court repeatedly has laid down the law laid that such interference at the hand of the Tribunal should be *inter alia* on arriving at a finding that no reasonable person could inflict such punishment. The Tribunal may further more exercises its jurisdiction when relevant facts are not taken into consideration by the Management which would have direct bearing on the question of quantum of punishment.

17. In the present case, had it been a case of the present charge sheet only for absence of five months and twenty nine days on 51 occasions, I would have certainly considered the case of workman for reducing the punishment. But in the instant case, the fact that the workman had earlier been charge sheeted for four times for remaining absent for a sufficient period and had been punished substantially on all the four occasions after having domestic enquiry leads me not to grant any leniency or sympathy to the workman. It is clear that the workman is not caring to maintain office discipline and to follow the leave rules. He remained absent as and when he feels so and does not care to get the leave sanctioned for years. It is clear that the workman appears to be incorrigible workman. He needs no sympathy and it is difficult to conclude that the punishment awarded to the workman is shockingly disproportionate to the charge of misconduct.

17. ISSUE NO. 4:

In view of my finding on the aforesaid issues the workman is not entitled to any relief. The action of the Management of R.B.I., Mumbai in dismissing the workman is held to be justified.

18. Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 23 अगस्त, 2006

का.आ 3715.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिडिकोट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 136/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-2006 को प्राप्त हुआ था।

[सं. एल-12012/154/2003-आई आर(बी. II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 23rd August, 2006

S.O. 3715.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 136/2003) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Syndicate Bank, and their workman, received by the Central Government on 22-8-2006.

[No. L-12012/154/2003-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding Officer : R. N. Rai.

I. D. No. 136/2003

In the Matter of :—

Shri Sunil,
E-126, New Ranjit Nagar,
New Delhi - 110008.

Versus

The Asstt. General Manager,
Syndicate Bank,
Zonal Office, 6 Bhagwan Dass Road,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-12012/154/2003 [IR (B-II)] Central Government Dt. 23-09-2003 has referred the following point for adjudication.

The point runs as hereunder :—

"Whether the action of the management in terminating the services of Shri Sunil w.e.f. 18-2-2002 is just, fair and legal? If not, what relief the workman is entitled and from what date?"

The facts of the case are as under:

The workman applicant has filed claim statement. In the claim statement it has been stated that he had been continuously working as Part-Time Sweeper with Syndicate Bank at its Rani Jhansi Road Branch, New Delhi w.e.f. 15-09-1994 onwards till 18-12-2002.

That all these years, he has served the Bank without any break.

That he has put in eight years service with a clean chit and unblemished records.

That from 18-2-2002 his services have been terminated without assigning any reason whatsoever.

That the contention of the Respondent Bank, as vividly explained in their reply letter addressed to the Asst. Labour Commissioner, New Delhi vide their letter. No: ZOD.IRC292/2003/ALC-34 dated 4-4-2003 is utterly wrong.

But, however, this Hon'ble Court will kindly appreciate a fact that at no point of time he had ever raised any demand for any promotion i.e. from PTS to an Attender.

Thus, therefore, this contention of the Bank has no relevance, reference or/else any co-relation to my pitiable plight of loss of his livelihood.

Again, prior to taking up the job of PTS in this Branch, Smt. Nando Devi was already posted as an attendant in the Branch.

And from then onwards, she had never been demoted or reverted to the lower post i.e. part time sweeper in the Branch. Quite contrary I alone had been performing the duties to the utmost satisfaction of all my Superiors.

Whereas a fact remains that these two designations/ posts vis-a-vis a Part Time Sweeper and Attendant are entirely different in their nature since these two jobs attract different nature of work and also largely differ in the irrespective emoluments, salaries and perks etc.

The post of an Attendant in the Bank is a step further (on promotion) to that of a Part-Time Sweeper. The PTS being a junior and much lowest paid workman of the Bank.

However, fact is that during all these span of about eight years he has been performing these duties of Part Time Sweeper on month to month basis. He was also paid accordingly months after months all these years.

Thus, therefore, this Hon'ble Court will kindly appreciate that he was at par on identical grounds vis-a-vis all the other employees of the Bank for all these years.

That the workman has to support my family which constitutes his wife and four children. He is the lone bread earning member of my family.

That he has been given all the perks and benefits of increased wages as arrived at in-between the management of Syndicate Bank and its Unions in strict adherence to various Bipartite Settlements arrived at in-between its Unions and the Management of the Banks.

That he has been given all other such-like benefits which were applicable to all other employees of the Bank i.e. Bonus etc.

That the Bank has maintained all respective records e.g. my Earning Records and Personal File etc. alongwith

others in the manner the Bank does for rest of its workmen.

That the termination be kindly set aside, and I be kindly reinstated in service with all consequent benefits.

That the Bank be directed to pay the wages from the date of termination i.e. 18-2-2002.

That the compensation for me for having undergone mental agony of pain and tension be awarded to me as this Hon'ble Tribunal deems fit.

The Management has filed written statement in the written statement it has been stated that the present reference has been made in routine and mechanical manner without application of the mind, therefore there present reference is bad in law and is liable to rejection.

That the claimant is the son of Smt. Nando Devi, regular part-time sweeper working at Rani Jhansi Road Branch, New Delhi. The claimant was entrusted with the duties of part-time sweeper as badli as and when the regular part-time sweeper was on leave. The claimant was also entrusted with the duties of part-time sweeper in the absence of regular attendant of the branch, as in the absence of regular attender, the attender duties were entrusted to the regular part-time sweepers of the branch. As such, the claimant was in badli/list of the part-time sweepers of the branch and continued to be in the panel of badli part-time sweeper and the branch has been engaging his services for the duties as and when the need arose. The claimant was paid badli charges in lieu of the services rendered by him. His services were utilised on different and various specific occasions/days during the period from September 94 to February 2. It is submitted that in view of the judgement of the Hon'ble High Court of Madras, wherein it was directed that part-time sweepers are not to be entrusted with attender duties and accordingly instructions regarding entrustment of attender duties of the part-time sweepers were withdrawn. Therefore the duties of attender were not entrusted to Smt. Nando Devi, the part-time sweeper of the branch against the vacancy of attender, in turn the part-time sweeper duties entrusted to the claimant in lieu of Smt. Nando Devi were also withdrawn. The claimant continues to be in the badli panel of the branch and was advised to make available his services to the branch as part-time sweeper badli as and when required/informed to him. Since the claimant is already in the panel of badli part-time sweeper of the branch, his services will be engaged as and when temporary vacancy arises.

The claimant cannot claim the regularization of his services as a matter of right. The Hon'ble Supreme Court of India in number of judgement has held that continuous working by the employees for a period of 240 days itself cannot itself cannot be a ground for issuing a direction for his regularization. Where there are no sanctioned posts in existence the status of the 'Workman' cannot be assigned just for completing 240 days of work. The completion of

240 days of work does not under the law import the right to regularization. In the present case the claimant was not appointed against the sanctioned post, he was simply a badli part-time sweeper therefore cannot claim regularization as a matter of right, as a result the claim of the claimant is liable to be rejected.

It is denied that the claimant was working continuously as part-time sweeper at Rani Jhansi Road branch, New Delhi from 15.9.94 to 18.12.02 as alleged. However it is submitted that the services of the claimant as badli part-time sweeper were utilised by the branch as and when required during the said period.

It is submitted that the services of the claimant as badli part-time sweeper were utilised by the branch as and when required and the claimant was paid the charges for the services rendered by him. It is submitted that the claimant was not a regular employee of the bank, nor he was appointed against any sanctioned post. His services were purely casual in nature. He was required to work as per the exigencies/requirement of the branch for specific period and was paid the charges.

It is submitted that the claimant was not employed in the regular services of the bank at any point of time as such, question of his termination from the services does not arise at all.

It is denied that the contention of the bank raised before the conciliation officer is wrong as alleged.

It is submitted that the contents of the preliminary objections may kindly be read as a part of reply to this para also, the same have not been repeated for the sake of brevity. The allegations leveled in this para are false and are denied. It is denied that the claimant has been continuously performing the duties of part-time sweeper as alleged.

It is submitted that the claimant was at no point of time appointed in the regular services of the bank as such he was not an employee of the bank. The appointment in the bank can only be made by approved channels and according to the guidelines provided by the Government of India. Only those employees who are sponsored by the employment exchange are employed in the bank by the board constituted for that purpose and it is only the zonal office of the bank is empowered to employees any person into the services of the bank. No other person is empowered to make any appointment. The claimant was not appointed against any sanctioned post. The claimant was paid the wages/charges as applicable for badli parttime sweeper as and when his services were utilised by the bank. The bonus was paid to the claimant as applicable to him under the provisions of The Payment of Bonous Act. The claimant had signed the muster rolls for the days he was engaged as a badli part-time sweeper by the branch. It is denied that any record/personal file was maintained by the branch or

bank as he was not a regular employee of the bank. His services were utilised by the branch as and when any part-time sweeper/attender of the branch was on leave and the same was temporary/casual in nature. The allegations levelled by the claimant are false and are denied. The claimant is not entitled to the regularization of the services. The claimant cannot claim any right over his services. It is further submitted that as per the settled law the claimant has no legal right to claim the reinstatement, the claim of the workman is liable to be rejected.

It is further denied that workman is entitled to the reinstatement with full back wages as claimed. The claim raised by the workman is misconceived and the reference is bad in law: Workman is not entitled to any relief as prayed. The claim of the workman is liable to be rejected.

It is therefore most respectfully prayed that the reference may be answered in favour of management and reject the claim of the workman with cost.

The workman applicant has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman applicant that he has been working continuously as part time sweeper from 15-10-1994 to 17-12-2002. His services were terminated on 18-02-2002. He has worked for more than 240 days so he deserves regularisation.

It was submitted from the side of the management that he is in a badli panel of branch of part time sweeper of the branch. It was further submitted that the services are being utilized by the management as and when temporary vacancies arises. Even during the pendency of the present proceedings the management is engaging the services of the claimant as badlis and part time sweeper and he is being paid according to the work performed by him.

It was submitted that on the day of cross examination of the management witness the workman was working as badli sweeper. There was no termination of his service. He is on the panel of part time sweepers and he is often engaged on leave vacancies. The workman has admitted in his cross examination that he was only given work for 15 days on temporary basis. He has also admitted that he was not aware that he was kept in badli list. He has also admitted that his mother was reverted to PTS in view of judgment of the Hon'ble Madras High Court and he was kept on badli list. He has also admitted that he was given work as and when required by the bank. He has been given work during the pendency of this case.

It was submitted from the side of the management that the workman has admitted that he has been engaged as badli work even during the pendency of the case. There is no termination of his services. He cannot be regularised as there is no substantive post. So there is no question of regularisation. He is a temporary badli worker and he is engaged on leave vacancies. His services have not been terminated.

The reference itself is bad in law, in case there is no termination of service of the workman. There cannot be reference on the point of termination of service. The workman has admitted that he is on badli panel of part-time sweeper and he has been engaged as and when required by the bank.

The reference is replied thus :—

The services of the workman Shri Sunil has not been terminated w.e.f. 18-02-2002. He is not entitled to get any relief as prayed for.

Award is given accordingly.

R. N. RAI, Presiding Officer

नई दिल्ली, 23 अगस्त, 2006

का.आ 3716.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिडिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण पूर्ण के पंचाट (संदर्भ संख्या 25/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-2006 को प्राप्त हुआ था।

[सं. एल-12012/5/2004 आई आर(बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 23rd August, 2006

S.O 3716.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/2004) of the Industrial Tribunal, Pune (Maharashtra) as shown in the Annexure in the Industrial Dispute between the management of Syndicate Bank, and their workman, received by the Central Government on 22-8-2006.

[No. L-12012/5/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI S. S. VYAVAHARE, INDUSTRIAL TRIBUNAL MAHARASHTRA AT PUNE

Reference (IT) No. 25 of 2004

ADJUDICATION

BETWEEN

Management of Syndicate Bank

And

The workmen employed under them.

In the matter of termination of services of Shri Vikas D. Abdule

APPEARANCES

Shri J. D. Kasbekar for the First Party.

Shri Z. B. Attar for the Second Party.

AWARD

(Date : 5-8-2006)

In exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, the Central Government has referred the industrial dispute to the undersigned for disposal according to law. The dispute referred by the Central Government is as under :

“Whether the action of the management of Syndicate Bank in terminating the services of Sh. Vikas Damu Abdule, Attender from the services of the bank w.e.f. 30-11-2002 without any notice and compensation under Section 25F, G and H of the I. D. Act, 1947, is legal and justified? If not, what relief the concerned workman is entitled to?”

2. After the receipt of the reference, notices have been issued to second party and first party. The second party has filed his statement of claim at Ex. U-3 whereas first party management has resisted the claim by its written statement at Ex. C-17.

3. It is the contention of the second party that he was in the employment of the first party as sub-staff. Vide order dated 30-11-2002, the services of the second party were terminated by the first party. The second party has challenged the said termination as an illegal order passed by the first party and raised a dispute before the Conciliation Officers. It is the contention of the second party that since 1988, he was in the employment of the first party and he has rendered continuous service of 240 days in a calendar year. Inspite of doing continuous service, as contemplated under Section 25-B of the I.D. Act, the first party has effected termination of the second party without complying the provisions of Sections 25-F, 25-G of the I.D. Act. The second party, therefore, challenged his dismissal before the Conciliation Officer. As the conciliation ended in failure, the Conciliation Officer of the Central Govt. has referred the dispute to the under signed for adjudication. The second party has claimed the relief of reinstatement with continuity of service and back-wages.

4. The first party has resisted the claim by filing its written statement at Ex. C-17 wherein, it is contended that the claim made by the second party is false, frivolous and

not based on true facts. The first party denies the employment of the second party and also denies that at any point of time, the second party has continuously worked with the first party. The first party also denies completion of 240 days continuous service by the second party. According to the first party, it has own recruitment procedure which is known as Banking Service Recruitment which is approved by the Banking Service Recruitment Board. The second party who did some work on temporary basis with the second party had never gone through the recruitment procedure as observed by the first party. Therefore, according to the first party, the second party has no *locus standi* to claim any employment or any relief with the first party. The temporary employment or temporary services rendered by the second party with the first party, the first party justified the same as adhock employment and says that adhock employment does not get any protection. The first party also says that the second party who did some temporary work and who was not appointed through the Banking Recruitment Procedure, has entered through backdoor entry by virtue of which the second party is not entitled to get any relief.

5. The first party also submits that it being a Nationalized Bank, it follows that rules and regulations of Government of India as well as Reserve Bank of India. The Approach Paper of 1990 which speaks about employment in respect of temporary employees or temporary attenders, also gives parameters and it speaks about completion of 240 days continuous service in a calendar year. According to the first party, the second party has not complied with these required parameters and therefore, his disengagement does not amount to retrenchment.

6. The first party also submits that as per the guidelines issued by the Reserve Bank of India, the first party prepares Districtwise panels of candidates; the second party was included in the said panel of temporary attenders in the year 1998-99. Therefore, the second party was continued as temporary attender purely on temporary basis. According to the first party, because of empanelment of the second party, at the most, he was entitled to attend the duty on temporary basis. However, by any stretch of imagination, he is neither entitled to get permanency nor entitled to get protection under the I.D. Act.

7. It is also submitted by the first party that it is a State within the meaning of Article 12 of the Constitution of India and it is also bound by Art. 16 of the Constitution of India. It being a State under Art. 12, the first party cannot make ad hock appointment which will defeat the purpose of provisions of Article 16 and therefore, the first party claims the entry of second party as backdoor entry. Therefore, the first party submits that there is no illegality in terminating the services of the second party. On the contrary, according to the first party, as the appointment of the second party was as temporary attender, he was

simply relieved and therefore, there is no question of compliance of Sections 25F, 25G, 25H of the I.D. Act. The first party, therefore, prays to reject the claim.

8. On respective contentions of the parties, I have framed following issues at Ex. O-6. My findings are recorded against the same :

1. Does Party No. 2 prove that Party No. 1 has illegally Terminated his services from 30-11-2002, in contravention of Section 25-F, G, H of I.D. Act ? —Yes
2. Does Party No. 1 prove that employment given to Party No. 2 was on temporary basis for specific period ? —No
3. Whether Party No. 2 is entitled to get reinstatement with continuity of services and back-wager ? —Yes
4. What order. —As per final order

REASONS

9. *Admitted facts* : Before going to the evidence on record, it will not be out of place to go through some of the facts which are not seriously disputed. It is submitted position that the second party was initially appointed on 1-2-1988 for temporary period upto 2-3-1988. It is also admitted position that the second party had worked as attender at different places. The termination order of the second party dated 30-11-2002 is also not disputed. It is also not disputed position that from August, 1999 till the date of termination, the second party has continuously worked with the first party. Non-compliance of Sections 25-F and 25-G of the I.D. Act before issuing the termination order to the second party is also not disputed.

10. *Issues 1 to 3* : In view of above admitted facts, the termination order of the second party dated 30-11-2002 is the document around which the controversy centers. Admittedly, the first party has not complied the provisions of Sections 25-F and 25-G of the I.D. Act while issuing the termination order dated 30-11-2002. Ex. U-10 is the said dismissal order. In order to show that the termination order of the second party is an illegal act on the part of the first party, the second party while deposing before the court at Ex. UW-1 has tried to bring on record that though initially he was appointed for specific period as temporary attender on 10-7-1998 when he was given appointment, he had gone through the interview procedure and his name was recommended by the Office of the Employment Exchange. The first party has conducted his interview and thereafter, he has worked for continuous period. The evidence of second party does show that initially he was given appointment at Karve Road Branch and thereafter he was

asked to work at different places. Accordingly, he was serving at Laxmi Road Branch where he has completed continuous service of 240 days in a calendar year. His evidence shows that on 30-11-2002, he issued notice to the first party calling upon the first party to reinstate him. The first party received the notice, but did not give him reinstatement. In support of oral evidence, the second party has filed on record near about 25 documents at Ex.U-5 which consists of termination order of the second party dated 30-11-2002; letter correspondence between the second party and first party; Employment Exchange letter; out of which the latter dated 19-8-1999 issued by employer, Ex. U-17; letter dt. 29-4-1999 issued by Karve Road Branch, Pune, Ex.U-18; letter dated 10-11-2001; issued by the Branch Manager Shri Pai to Asst. General Manager, Zonal Office, Mumbai, Ex.U-19; letter issued by the Chief Officer to Sr. Branch Manager, Laxmi Road Branch dated 28-11-2001, Ex.U-20 and letters dated 29-9-2001 and 15-11-2002; Ex.U-21 and Ex.U-22 are the important documents to which I will come later on.

11. As against this, on behalf of the first party, the evidence of Miss R. Bhuvaneshwari and Mr. M. G. Naik is recorded at Ex. CW-1 and Ex.CW-2. Witness Miss Bhuvaneshwari has tried to bring on record that the appointments were given to the second party on temporary basis as temporary attender on badli basis and on every occasion, the appointment was given to the second party for specific period. Her evidence further shows that Govt. of India and Ministry of Finance has introduced guidelines for deciding the problems of temporary employees and said paper speaks about absorption of temporary attenders. According to this witness, the second party who was initially appointed as temporary attender was given appointment for specific period initially. Her evidence further shows that upon the application made by the second party for empanelment, he was interviewed by the Authorities of the first party and his name was included in the panel of temporary attender. However, as he was not absorbed by the first party, there was no alternative, but to release him and while doing so, there is no illegal act on the part of the first party.

12. Shri M. G. Naik, Senior Manager, Regional Office, who has deposed at Ex.CW-2 has filed on record Approach Paper 1990 and has also tried to bring on record about empanelment of the second party by virtue of his interview before the Interview Committee. The first party in support of the oral evidence has filed on record two documents at Ex.C-19 i.e. Approach Paper 1990 and settlements dated 9-4-1996 and 6-7-1998. The Approach Paper 1990 is at Ex.C-20 whereas the settlements are at Ex.C-21 and Ex.C-22.

13. Now, in the present case, in view of the respective cases put forth by the parties, as the termination of the second party is the point in issue, it is necessary to decide whether the termination of second party in absence of

compliance of Sections 25-F and 25-G of the I.D. Act is legal and proper? True that the first party is a Banking Authority and it has its own Recruitment Rules. However at the same time, it cannot be neglected that in order to decide service conditions, the first party has entered into settlements with Syndicate Bank Employees' Union under the Industrial Disputes Act, 1947. The very fact that the first party has entered into settlement with the union operating with it by taking recourse of the provisions of the I.D. Act, it goes unsaying that the provisions incorporated under the I.D. Act for deicing the termination as legal or illegal, will have to be taken into consideration.

14. Now, in order to get the benefit under Sections 25F and 25G of the I.D. Act, the employee claiming the said benefit has to prove his continuous service of 240 days in a calendar year preceding the date of termination. Section 25B of the I.D. Act which defines 'continuous service' if perused, them, it is seen that as per Sub-section (1) of Section 25-B, a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman, Sub-section (2) or Section 25B reads:

"Whence a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be decided to be in continuous services under an employer :—

(a) for period of one year, if the workman, during a period of twelve calendar months preceding the date with refence to which calculation is to be made, has actually worked under the employer for less not than—

(i) one hundred and ninty days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forth days, in any other case;

(b) for a period of six month, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) ninety-five days, in the case of a workman employed below ground in a mine; and

(ii) one hundred and twenty days, in any other case."

15. From the perusal of Section 25B, it goes unsaying that if the employer gives artificial breaks to the employee in order to defeat his continuous service, even then that artificial break does not come in the way of the employee for counting his continue service. Now, in the present case,

from the perusal of termination letter, Ex.U-10, it goes unsaying that from August 1999, the second party was continuously working with the first party as temporary attender without break till 30-11-2002. This fact has been fortified by letter Ex.U-19 dated 10-11-2001, issued by the Sr. Branch Manager, Laxmi Road Branch, to Asstt. General Manager, Zonal Office, Mumbai, wherein, while replying Question No. 2 in the said letter, it has been unequivocally mentioned that since August 1999 till 10-11-2001, no break was given to the second party. Now, to my mind, these two documents are admission on the part of the first party and therefore, safely it will have to be concluded that the second party has continuously served from August 1999 till the date of termination with any break.

16. During the course of arguments, Shri Kasbekar, learned Counsel for the first party has vehemently argued and has tried to bring on record that the first party being banking authority, employment with first party is a matter of public employment where the appointments are given as per the procedure and rules framed by the qualified person of banking authority and no backdoor entry is permissible or possible. Shri Kasbekar has strongly relied on the judgment of Supreme Court in the case of Secretary, State of Karnataka and others v/s. Umadevi and others, reported in 2006 II C. L. R. 261 in order to show that contractual appointments do come to an end at the end of the contract and temporary employees cannot claim to be made permanent on expiry of the term of appointment; merely because he is continued beyond the term of his appointment, does not entitle him to be absorbed in regular service or made permanent. In the said judgment, it has been further observed that long standing service by an ad hoc employee does not give him entitlement of any right of permanent appointment. It is also argued on behalf of the first party that the appointments were given to the second party for specific period in leave vacancy and therefore also, the termination of the second party does not amount to retrenchment. To substantiates this, the learned Counsel for the first party has relied on the appointment letter of the second party at Ex.U-13, U-14A, U-15A as well as appointment order, Ex.U-18. During the course of argument, by placing heavy reliance on the document, Ex.U-18, it is submitted that the appointment was given to the second party on leave vacancy from 3-5-1999 to 15-5-1999, in which it was specifically mentioned that the appointment is subject to all rules and regulations governing the staff of the Bank and it is purely temporary appointment which does not entitle the second party for a regular appointment in the permanent service of the Bank. Therefore, an attempt has been made by Shri Kasbekar, Learned Counsel for the first party that the appointment given to the second party for specific period and termination of such appointment does comes to the exception of retrenchment under Section 2(oo) (bb) of the I.D. Act and therefore, there is no illegal act on the part of the first party.

17. Shri Attar, learned Counsel for the second party, in response to the submissions advanced by Shri Kasbekar, has relied on the judgment of Andhra Pradesh High Court, in the case of R. Sreeniwasn Rao v/s. Labour Court, Hyderabad & Anr. reported in 1991 I.C.L.R. p. 137, wherein, it has been observed that casual labour on daily wages is per se outside the first party of S.2(oo)(bb) of the I.D. Act and discontinuance of casual labour on daily wages amounts to retrenchment. Shri Attar submitted before me that the second party who were terminated without compliance of Section 25F, 25G of the I.D. Act was interviewed by the first party and therefore, termination of second party is per se illegal. While commenting upon the ruling relied on by the first party, Shri Attar submitted before me that the second party is not claiming regularisation or permanency and the most question around which controversy centers as to whether the termination of second party without compliance of Sections 25F, 25G is legal and proper. Therefore, according to Shri Attar, the judgement of Supreme Court in the case of Secretary, State of Karnataka v/s. Umadevi (cited supra) does not assist.

18. After giving conscious thought to the respective submissions, it is pertinent to note that the employment with the first party being a matter of public employment, the first party has its own recruitment rules and those rules have to be followed scrupulously and no backdoor entry is permissible. There also cannot be two opinions that in the case of backdoor entry, mere on completion of 240 days continuous service, the employee will not be entitled to get protection under Sections 25F and 25G of I.D. Act. Now, it is pertinent to note that in order to show how recruitment of temporary attender is carried out, the first party has relied on the Approach Paper issued by Govt. of India. Said document is at Ex. C-20. Said document shows the guidelines issued by Govt. of India, Ministry of Finance for determining the recruitment rules of temporary attenders. Para. 6 of the Approach Paper shows that the cases of temporary employees or temporary attenders who have put in not less than 240 days temporary service in 12 consecutive months and who are entitled to the benefits of Section 25F of the I.D. Act may be decided by entering into a settlement with the representative union. Now, the very clause goes unsaying that the temporary employee including temporary attender who has completed 240 days continuous service in a calendar year has nexus with getting benefit of Section 25F of the I.D. Act and the said employee is entitled to enter into settlement. The said Approach Paper defines 'temporary employee' at para. 2 and it defines as temporary employee means a workman who has been appointed for a limited period of work which is of an essentially temporary nature and who is employed temporarily as an attender.

19. Para 3 of the Approach Paper shows about provisions in Bipartite Settlement. By virtue of para. 20-12 it provides that temporary workman will be given preference

for filling up permanent vacancies, if selected and if he has undergone probation. Now, it is pertinent to note that the Approach Paper does not show anywhere the procedure for selecting the temporary employee. This will get from the settlement Ex. C-21 dated 9th April, 1996 between the first party Bank and Syndicate Bank Employees' Union. On combined reading of Clauses 5 and 6 of this settlement, it is seen that there is a procedure for making the panel of temporary attenders and the said panel is to be prepared by following the Approach Paper of Govt. of India. Now, there cannot be two opinions that the second party got himself in the panel of temporary attender.

20. On perusal of Ex. C-26 dated 24th April, 1999, it is seen that the name of second party is at Sr. No. 2 and vide this document, the Regional Manager has informed the office of Employment Exchange about empanelment for appointment of attenders on temporary basis. By this letter, the Regional Manager has informed the Office of Employment Exchange about selection of candidates for empanelment of attenders temporarily. Now, it is pertinent to note that this letter also shows that during the leave vacancies, the said empanelment of temporary attenders is prepared. Now, the reference to that effect is handwritten. Moreover, it is also significant to note that there is no document filed on record that since 24th April, 1999 or since 1998, the second party was given appointment in leave vacancy. There is no document to show, against whom and in whose leave vacancy, the second party was given appointment of temporary attender. On the contrary, the letter dated 5th October 1998 issued by the Divisional Manager to the second party goes to show that the second party had successful interview with the office of the first party on 10-7-1998 and because of the successful interview of the second party, his empanelment in the list of temporary attenders is an outcome of the said interview. Therefore, from these documents, two things are clear that the second party was required to face interview for empanelment in the list of temporary attenders and secondly his impanelment was in pursuance to the guidelines issued by the Central Govt. vide Approach Paper. Moreover, it is also seen from the documents filed on record that the contention raised by the first party that the appointments were given to the second party for specific period, much less on leave vacancy is without any documentary evidence. Therefore, the disengagement of the second party cannot be considered as exception to the retrenchment.

21. Now, while discussing continuous service rendered by the second party, I have concluded and held that the second party has successfully worked for more than 240 days continuously in a calendar year preceding the date of termination, I have no hesitation to conclude that the second party is entitled to get the protection of Section 25-F and 25-G of the I.D. Act. Admittedly, while effecting termination of the second party, the first party has not complied the provisions of Section 25-F and 25-G

of the I.D. Act and therefore, I have no alternative than to conclude that the termination of the second party *vide* order dated 30-11-2002 is illegal. I therefore, decide issue No. 1 in the affirmative. I, therefore, further conclude that first party has failed to prove that the employment given to second party was on temporary basis for specific period. I, therefore, decide Issue No. 2 in the negative.

22. In view of affirmative finding on Issue No. 1, I have no hesitation to conclude that the second party is entitled to get reinstatement with continuity of service and backwages. I, therefore, decide Issue No. 3 in the affirmative, answer the reference in affirmative and pass following order :

ORDER

1. The reference is answered in affirmative.
2. It is hereby declared that the first party has illegally terminated the services of the second party on 30-11-2002 in contravention of Section 25-F, 25-G of I.D. Act.
3. The first party is directed to reinstate the second party on the post of temporary attender with continuity of service and backwages from the date of termination till the date of reinstatement.
4. Parties to bear their costs.
5. Award be drawn accordingly.

S. S. VYAVAHARE, Industrial Tribunal

नई दिल्ली, 23 अगस्त, 2006

का.आ. 3717.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. एअर इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली-I के पंचाट (संदर्भ संख्या 70/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2006 को प्राप्त हुआ था।

[सं. एल-11012/52/97-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 23rd August, 2006

S.O. 3717.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 70/99) of the Central Government Industrial Tribunal/Labour Court, New Delhi-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Air India and their workmen, which was received by the Central Government on 23-8-2006.

[No. L-11012/52/97-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE
BEFORE SHRI SANT SINGH BAL, PRESIDING
OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL
NO. 1, NEW DELHI

I.D. No. 70/99

Shri Ajit Singh
 C/o Shri Ram Singh,
 R/o RL-F-2/57, Mahavir Enclave,
 Nasirpur Road, Gali No. 2,
 Palam, New Delhi -110045.

Represented through

Rashtriya Rajdhani Shramik Sangha (Regd.),
 T -78, Milan Market, Karampura,
 Shivaji Marg,
 New Delhi-110015.

... Workman

Versus

M/s. Air India,
 Himalaya House -23,
 K.G. Marg,
 New Delhi-110001.

... Management

APPEARANCES:

Shri Inderjeet Mudgil A/R for workman.

Miss Poonam Dass, Advocate A/R management.

AWARD

The Central Government in the Ministry of Labour *vide* its order No. I-11012/52/97-I.R.(C-I) dated 23-2-99 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management *vide* order dated 12-8-95 in terminating the services of Ajit Singh, Loader who was working at Air India, Indira Gandhi Airport was legal and justified? If not to what relief the workman is entitled to?”

2. Brief facts of this case as culled from record i.e. claim statement and written statement are that the workman claimed that he was employed/working with the management as loader w.e.f. 15-12-87 and his services were terminated on 12-8-95. The Representing union tried to settle the dispute but of no use and initiated proceedings and even the conciliation proceedings before A.L.C. resulted in failure and earlier demand notice by the workman was not even replied to. It is also stated that the persons junior to the workman were regularized while the services of the workman were terminated which according to the workman is the act of favouritism and nepotism and amounts to unfair labour practice. He completed 240 days in each year. His termination is illegal and bad in law and

he is without job and as such he claims reinstatement with regularization of his service as Loader with all consequential benefits including seniority, cost, compensation and any other reliefs available to him.

3. The case was contested by filing written statement by the respondent by way of preliminary objections that the workman was engaged as casual labour w.e.f. 15-12-89 and continued to work as such with intermittent breaks till 1-6-90 as detailed below :—

Year	No. of days worked as casual labour
1987	15 days
1988	137 days
1989	175 days
1990	57 days
	384 days

He was found to be involved in pilferage case of Singapore Airlines Flight and his services were, therefore, disengaged with as he was involved in a case of moral turpitude, which tarnished the image of the management. It is further averred that claim statement is liable to be dismissed as Industrial Dispute was raised more than seven years after he was disengaged by the management and, therefore, the claim is filed after undue delay and is therefore liable to be dismissed.

4. On merits it is admitted that reference was made by appropriate government. It is stated that he was working as a casual labour and engaged purely on casual basis from time to time as mentioned above. It is denied that the representing union *viz* Rashtriya Rajdhani Shramik Sangh, tried to settle the dispute with the management at the time of conciliation proceedings which was duly attended and represented by the management. The claim is stated to be misconceived. It is denied that the juniors to the claimant were regularized and the management resorted to any sort of unfair labour practice, favouritism and nepotism as alleged. It is submitted that none of the workers who were found in misconduct have been regularized. The workman has worked with the management from 1987 to 1990 with intermittent breaks for the period as mentioned above and his termination of service is legal and justified as stated or bad in law and the claim is thus sought to be dismissed.

5. Written statement was followed by rejoinder wherein the averments made in the claim statement were reiterated to be correct while the controverted pleas and averments made in the W. S. were refuted.

6. After completion of the pleadings the evidence was recorded and workman filed his affidavit in evidence and he was examined as WW 1 and closed his evidence while the management examined Shri Azim Akbar Senior Manager Personnel of the respondent as MW 1 and closed its evidence.

7. After closure of evidence of the parties A/R of both the parties Mr. Inderjeet Mudgal Advocate for the workman and Ms. Poonam Dass Advocate for the management addressed arguments substantiating their respective claims.

8. I have given my thoughtful consideration to the contentions raised and perused the record meticulously.

9. The following question arise for consideration in this case:

- i. Whether the workman has worked for 240 days from 15-12-87 till 12-8-95 and he has worked for 240 days in a year preceding his termination?
- ii. Whether his services were terminated on 8-12-95 legally as claimed by the management?
- iii. Whether the claim suffers from laches or delay as claimed?
- iv. Whether the services of the workman were terminated on the ground of moral turpitude?
- v. To what relief the workman is entitled to?

Issue No.1 and 2

10. I shall determine issue No.1 and 2 together being inter-connected at the outset. Workman in his claim statement claimed that he was engaged on 15-12-87 and his services were terminated on 12-8-95 while the management has averred in written statement that workman's services were engaged on 14.12.87 and terminated on 8-12-95 with intermittent breaks. The workman in support of his claim that he has worked w.e.f. 15-12-87 to 12-8-95 has filed his affidavit and documents 1 to 3. In his cross-examination workman has admitted that he was initially appointed as casual worker /labour as he was not issued any appointment letter showing. Workman in his cross-examination has admitted it as correct that he was engaged for work on need basis but he was appointed even after 1990 and other workers similarly situated have been made permanent. He has no proof to show that he worked even after 1990 as claimed in his claim statement or that other co-workers were made permanent. He further admitted that he has not worked for 240 days in a year. From the perusal of record and his statement and cross-examination it is evident that workman has failed to place any document that he has worked up to 8-12-95 and he worked for 240 days. On the contrary the management has admitted that the workman was engaged on casual basis as a casual labour in the ground service department of the management w.e.f. 15-12-87 and continued to work with intermittent breaks till 1.6.90 as is apparent from the averments made in the affidavit of MW 1 EX.MW 1 / A. Thus it is proved that the workman was appointed as casual worker and worked up to 8-12-95. Thus it is proved that the workman has not worked continuously for 240 days preceding the year of his termination on 1-6-90 and as such

he is not entitled to be reinstated under the provisions of Section 25F of the I.D.Act. Issue No. 1 and 2 stand disposed of.

Issue No. 3.

11. Now I come to the next issue on point of limitation. Workman has claimed that he has worked from 15-12-87 to 8-12-95 but he has failed to prove that he has worked up to 8-12-95. Rather it has been held that the workman services were terminated on 1-6-90. The claim has been preferred/ filed in this case on 15-4-99. Apparently workman has approached this court after a lapse of 9 year as he has preferred the claim in the court on 15-4-99 while he was dismissed on 8.12.95. The provisions of Limitation Act, 1963 are not strictly applicable to the claims under the I.D. Act. Therefore, the claim of the workman cannot be dismissed on account of delay. Hence this issue is decided accordingly.

Issue No.4

12. The management has averred in the written statement in preliminary objection that the workman was found to be involved in pilferage case of Singapore Airlines Flight and therefore his services were disengaged as he was involved in the case of moral turpitude and tarnished the image of the management. Though the workman has denied in cross-examination that there was some complaint against him from Singapore Airlines Flight that he interfered with the baggage of some passenger. No enquiry was conducted against the claimant. There is not an iota of evidence that he committed pilferage of baggage as stated and as such this allegation is not proved and his dismissal on this ground is not tenable in the eye of law.

Relief

13. In view of the above discussions workman is not entitled to any relief and the termination of his services by the management appears to be legal and justified. The reference is answered accordingly.—

S. S. BAL, Presiding Officer

DATED: 14-8-06.

नई दिल्ली, 23 अगस्त, 2006

का.आ. 3718.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सराकर औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 128/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2006 को प्राप्त हुआ था।

[सं. एल-41011/11/2001-आई आर(बी. I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 23rd August, 2006

S.O. 3718.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 128/2001) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, received by the Central Government on 23-8-2006.

[No. L-41011/11/2001-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR-COURT, LUCKNOW

PRESENT

Shrikant Shukla Presiding Officer

I.D. No.128/2001

Ref. No. L-41011/11/2001/I(RB-I) dated 8-8-2001

Between

Sri Dina Nath Tewari
Divisional Organization Secretary
Uttar Railway Karmchari Union
119/74 Qr. No. Naseemabad, Kanpur (U.P) 208001

And

The Divisional Railway Manager
Northern Railway Allahabad (U.P.) 211006

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute for adjudication vide order No. L-41011/11/2001 IR(B-I) dated 8-8-2001 to Presiding Officer, CGIT-cum-Labour Court, Lucknow

"Whether the action of the management of divisional railway manager Northern Railway, Allahabad in terminating the services of Sri Jogendra Prasad Shukla and 16 others substitute/casual labourers w.e.f. 1-3-97 (list enclosed) is justified? If not what relief the workman are entitled?"

The trade union's case in brief is that the workers Sarva Shri J.P. Shukla, M.K. Awasthi, Rambabu, Vijay Shankar Shukla, Pradeep Kumar Rudra, Sudhir Kumar, Sri Vastava, Udhav Prasad, Mohd. Irshad, Sajan Kumar, Hargovind, Sukhlal, Mohd. Shabbir, Dinesh Kumar, Smt. Shanti Devi, Gopalji, Mohd. Aslam, Manoj Kumar, were employees who attained the temporary status in the railway prior to year 1991. But they were not regularised till date. It is submitted that;

1. Sri Jogendra Prasad Shukla was appointed on 7-2-75 under PWI, Kanpur who completed 332

days continuously service till 5-2-76 and he attained the status of temporary employee.

2. Ram Babu and Sri S.K. Srivastava attained the temporary status in the year 1987.
3. Other employees also attained the temporary status long back.

All the employees have been deployed during the year 1991—97 on the 4th class job on different posts.

The trade union has submitted that the Railway Board directed that all those who were employed till 30-4-96 (56,000 casual labours/substitute) be regularised on the vacant post. The General Manager (Personal) New Delhi accordingly issued necessary instructions to Divisional Railway Manager on 13-12-96.

The trade union has alleged that the opposite party stopped engaging the employees since March 1997 and they were told that the Divisional Railway Manager office is taking action for regularisation. The employees have been waiting for years from the Divisional Railway Manager office but they have not received any order. The trade union has alleged that undeclared termination order without notice, notice pay and retrenchment compensation is not proper and legal and as such the termination order is in violation of provision of 25 F, G & H of the I.D. Act. Accordingly trade union has prayed that the termination w.e.f. 1-3-97 be declared illegal, improper and the worker be reinstated with all consequential benefits and back wages.

The Divisional Personal Officer, Northern Railway, Allahabad has filed the written statement on behalf of the opposite party. Denying the claim the Divisional Personal Officer has submitted that the ex-substitute/casual labour/hot weather staff whose name find place in schedule may be divided in three categories as under :

- (a) Whose initial engagement was on or before 3-1-1981
- (b) Whose initial engagement was after 3-1-1981 but prior to 31-3-87
- (c) Those who initially engage after 31-3-87.

It is further submitted under P.S. 9195 the employees were required to apply for consideration of registration of their name in casual live register of Divisional Manager with certificate of their work. The railway is not responsible for who did not apply for registration. It is further submitted that those casual labour who were initially engaged after 3-1-1981 without approval of General Manager the engagement of such casual labour was not legal and proper and is not to be considered for screening by authority of Railways. This has been made clear in P.S. No. 11572 dt. 6-5-98 vide 220E/90-xii/E of Rlys. In view of the above facts and circumstances the workman was not considered. However, merely by acquiring temporary status by any casual labour he does not become entitled for regularisation of service unless fulfilment of certain requirement as per

rule. Referring to the working of Sri J.P. Shukla for 332 days. It is submitted that there is no requirement of re-engagement/employment of any casual labour under the railway path Nirishak Kanpur at present and there were more than 2000 casual labour of E.E.G. section are in wait of their regularisation. Referring to the case of Manoj Kumar whose name fine place at Sl. No. 17, has never worked as per railway record. Referring to the direction of Railway Board it is submitted that the same was for those employee who were in service as on 30-4-96. The authorities of railway have fully complied with the direction as referred in P.S. No. 11291. It is specifically alleged that none of the workers were in employment in railways as on 30-4-96. Hence consideration in the light of P.S. No. is not permissible and the claimant are not entitled to any relief under it. It is further made clear that no order is likely to be issued for regularisation/absorption. It is submitted that railway have not violated the provision of Section 25 F, G and H of the I.D. Act. The Divisional Personal Officer has also stated that some persons referred in the schedule have been engaged in the railway as hot weather staff/casual labour till mid of May 1991 and it is specifically denied that Manoj Kumar has worked in railways from time to time during 1986-96. It is beyond truth reason being no engagement has been done by railway as waterman/casual labour for the last ten years. It is further submitted that Mohd. Aslam has not provided any document of his employed and working in the railways. It is further submitted that the workers have never worked continuousl and the some of them were engaged temporary during hot season as watermen purely on casual basis and after specified period they were disengaged from work.

The opposite party has accordingly prayed that the claim statement is liable to be dismissed with special cost.

The issue has referred for adjudication is about justification of the termination of Sri J.P. Shukla and 16 others substituted/casual labour w.e.f. 1-3-97. The trade union has therefore to prove that the workers in the list have worked till 28-3-97 on the other hand the management has alleged that none of the employees were in the employment as on 30-4-96.

The trade union has filed following documents :

1. Photo copy of letter of station Supdt. Kanpur Central to Sri Jogendra Prasad Shukla's working.
2. Photo copy of Medical fitness No. 131310. dt. 20-6-88.
3. Photo copy of working at Kumbh Mela dt. 2-3-89.
4. Photo copy of certificate of Tubectomy.
5. Photo copy of Labour Card No. 137926.
6. Photo copy of Mahendra Kumar Awasthi Labour Card No. 57357.

7. Photo copy of Divn. Civil Defence Officer, Moradabad dt. 11-1-85.
8. Photo copy of Light/Heavy Motor Vehicles driving licence.
9. Photo copy of working certificate given by SCA/CNB dt. 25-7-84.
10. Photo copy of certificate of Tubectomy dt. 21-9-92.
11. Photo copy of certificate of Ram Babu year 1986-87.
12. Photo copy of certificate of Ram Babu year 1988 and 1989.
13. Photo copy of certificate of Ram Babu year 1990.
14. Photo copy of certificate of Ram Babu year 1991.
15. Photo copy of medical fitness No. 131714.
16. Photo copy of Vijay Shankar Shukla's working certificate.
17. Photo copy of medical fitness certificate No. 131696.
18. Photo copy of Labour Card of Pradeep Kumar Rudra.
19. Photo copy of Sudhir Kr. Srivastava Labour Card No. 56646.
20. Photo copy of labour card of Sri Aban Prasad No. 232026.
21. Photo copy of labour card of Mohd. Irshad No. 56623.
22. Photo copy of working of Sajan Kumar 1982 to 1986.
23. Photo copy of working of Sajan Kumar 1987.
24. Photo copy of working of Sajan Kumar 1988 to 1991.
25. Photo copy of Hargovind's working 1986 to 1988.
26. Photo copy of Hargovind's working 1989 to 1990.
27. Photo copy of Sukhlal Labour Card No. 232029.
28. Photo copy of Mohd Shabbir Labour Card No. 56647
29. Photo copy of Dinesh Kumar's working from 1984 to 1991.
30. Photo copy of working of Smt. Shanti Devi.
31. Photo copy of certificate of death of Smt. Shanti Devi's husband who is working in Loco. Allahabad as Fitter.
32. Photo copy of working of Gopalji from 1984-1988.

33. Photo copy of Mohd. Aslam working from 1984-87.	6. Sri Sajan Kumar
34. Photo copy of Manoj Kumar Bajpai's working from 1986-96.	7. Sri Hargovind
35. Photo copy of General Manager, Uttar Railway, New Delhi letter No. 807E/240/Z/R/Selection Committee dt.13-12-96.	8. Sri Sukhlal
36. photo copy of Railway's Manual revised Edition 1990.	9. Sri Mohd. Sabbir
37. Photo copy of Railway Board letter No.E(NG)11/96/CL/61 dt. 13-12-96.	10. Sri Dinesh Kumar
38. Photo copy of Divisional Railway Manager, Uttar Railway Allahabad letter No. 220E/ Selection/hot weather-11/86 dt. 10-4-89.	11. Smt. Shanti Devi
	12. Sri Gopalji
	13. Sri Mohd. Aslam
	14. Sri Manoj Kumar

The above persons were the best evidence to prove they worked upto 28-2-97 and they were terminated 1-3-97 but none has appeared.

Now there remains the case of Sri Jogendra Prasad Shukla, M.K. Awasthi and V.S. Shukla.

In case of statement of Sri Jogendra Prasad Shukla who has been cross-examined by the representative of the opposite party is correct, then the worker has last worked on 14-8-91. His statement in cross-examination as recorded in para 2 on 27-5-03 indicates that he has worked as under :

1.	7-2-1975 to 27-5-75	99 days
2.	30-5-75 to 16-9-75	104 days
3.	9-9-75 to 11-1-76	110 days
4.	4-1-76 to 5-2-76	19 days
5.	5-7-83 to 14-8-83	31 days
6.	3-5-84 to 16-5-84	14 days
7.	16-5-84 to 15-6-84	30 days
8.	16-6-84 to 16-7-84	31 days
9.	17-7-84 to 15-8-84	30 days
10.	18-4-85 to 15-4-85	120 days
11.	21-4-84 to 25-5-86, 27-6-86	36 days
12.	24-5-90 to 14-8-90	83 days
13.	26-4-91 to 14-8-91	111 days

The worker has stated that above dates are according to the record available with him. From the aforesaid record it is not clear whether the worker has worked from 6-2-76 to 4-7-83. Thus there is gap of more than six years. Similarly from the above statement it is also not clear that the worker was engaged during 1987-89 Sri Jogendra Prasad Shukla could not state as to how many days he worked to 1987-1989. He stated that during 1-2-89 to 2-3-89 he worked for 30 days.

It is pertinent to mention here that every casual labour is issued casual labour card according to the railways rules. The photo copy of railway casual card of Sri Jogendra Prasad Shukla is paper No. 4/2 to 4/22. This

1. Sri Ram Babu
2. Sri Pradeep Kumar Rudra
3. Sri Sudhir Kumar Srivastava
4. Sri Udhav Prasad
5. Sri Mohd. Irshad

2733 71/14 = 14

document has not been admitted by the opposite party on the ground that worker has worked as per details below :

1.	7-2-75 to 27-5-75	99 days
2.	3-5-75 to 16-9-75	104 days
3.	14-1-76 to 17-9-76	110 days
4.	15-7-83 to 14-8-83	31 days
5.	13-5-84 to 15-8-84	105 days
6.	4-4-86 to 27-5-86	36 days

The representative of the management has argued that the documents filed by the worker are not genuine documents and therefore he has not admitted it. At the same time he has argued that from the records available on the file it is not proved that the worker was in the employment of the railway beyond the year 1991. The representative of the opposite party has argued that trade union has come forward with the allegations in the statement of claim that the worker's were terminated on 1-3-97. He has also argued that not a single person could be employed in the railway as casual labour without the entry in the casual labour card and beyond record the evidence of the worker cannot be relied upon.

The other witness examined by the trade union Sri M.K. Awasthi he has stated in examination in chief that he worked till 28-2-97 under the Supdt. Kanpur Railway Station from 2-8-79. He has admitted in examination in chief that he has not completed 120 days working in one year. In the cross examination Sri M.K. Awasthi has replied as under :

“मैंकरी करने का रिकार्ड मैंने दाखिल किया है। 1991 के बाद का कोई रिकार्ड मेरे पास नहीं है। 1991 में मेरे रिकार्ड के हिसाब से कुल 106 दिन कार्य किया है। 1990 में कुल 113 दिन काम किया। 1989 में 81 दिन काम किया। 1987 में 12 दिन कार्य किया। 1986 में 71 दिन कार्य किया। 1985 में कानपुर में कार्य नहीं किया बल्कि मुरादाबाद में कार्य किया उसका रिकार्ड नहीं है। 1984 में 90 दिन कार्य किया। 1983 में 90 दिन कार्य किया। 1982 में 28 दिन कार्य किया। 1980-81 में कार्य नहीं किया। 1978 में मैंने 8 दिन कार्य किया।

मैंने किसी भी वर्ष का जनवरी, फरवरी, मार्च, सितम्बर, अक्टूबर, नवम्बर, दिसम्बर में काम करने का कोई रिकार्ड नहीं दिया। मुरादाबाद में मैंने द्वाहिती 27 दिन किया था। उसका रिकार्ड नहीं है।”

The representative of the opposite party has argued that worker's oral testimony regarding his work upto 28-2-97 cannot be relied upon as there is no record to substantiate according to the worker only that he worked after year 1992 onwards. This support the case of the management of railway as stated in the written statement

that the worker was not in employment as on 30-4-96. There is no question arise on termination on 1.3.97. He has also stated that according to the record available with the railways Sri M.K. Awasthi has worked 7 days only in the year 1979, 46 days in 1982, 77 days in 1986, 12 days in the year 1987 and 90 days in the year 1989. He has argued that Sri H.K. Awasthi did not worked with the railways after 15-8-89. Opposite party has argued that the worker Sri M.K. Awasthi has filed photo copy of the labour card which is not genuine and is not acceptable to the railways.

Now 3rd witness remains who is Sri V.S. Shukla this witness stated in his examination in chief that he has worked from 24-6-86 to 28-2-97. The trade union has filed paper No. 4/32 which is photo copy of the certificate purported issued by Station Supdt. Northern Railway, Kanpur which shows that Sri Shukla has worked 47 days in 1986, 116 days in 1987, 96 days in 1988, 103 days in 1989, 112 days in 1990 and 110 days in 1991.

Opposite party representative has argued that this document is not genuine as the worker has not worked after 14-8-89 and this document does not show that the worker Sri V.S. Shukla was employed till 1997. Even if this document is taken to be true this does not go to prove that worker was in service after 14-8-91.

The representative of the opposite party has argued that had worker could filed original service record of the service the truth have come out that Sri V.S. Shukla has not worked after 1989.

The representative of the opposite party has relied on (2005) 8 Supreme Court cases 750 between Surendranagar District Panchayat vs Dahanabhai Amarsinh and has argued that the worker/trade union was require to prove that the worker did work till 28-2-97 and was terminated on 1-3-97. He has also argued that worker has to prove that he worked continuously 240 days within 12 calendar months immediately before termination i.e. 1-3-97 and the worker/trade union miserably has failed to prove this.

I have gone through the entire evidence and the I am of the considered opinion that trade union has failed to prove that the worker Sri Jogendra Prasad Shukla and 16 others were terminated on 1-3-97. Therefore, there arises no question of legality and illegality justification of termination order. The issue is answer accordingly against the worker/trade union miserably in favour of the management and workers are not entitled to any relief.

SHRIKANT SHUKLA, Presiding Officer

Lucknow—
18-8-2006

नई दिल्ली, 23 अगस्त, 2006

का.आ 3719.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोकण रेलवे

कोरपोरेशन लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/90 ऑफ 2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2006 को प्राप्त हुआ था।

[सं. एल-41012/125/2004-आई आर(बी. I)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 23rd August, 2006

S.O. 3719.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/90 of 2005) of the Central Government Industrial Tribunal No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Konkan Railway Corporation Ltd. and their workman which was received by the Central Government on 23-8-2006.

[No. L-41012/125/2004-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, MUMBAI**

PRESENT

A.A. Lad, Presiding Officer

Reference : CGIT -2/90 of 2005

Employers in Relation to the Management of Konkan Railway Corporation Ltd.

The Regional Manager,
Konkan Railway Corporation Ltd.,
Karwar, Karnataka- 581 306.

And

Their Workmen
The Chairman, National Railway Mazdoor Union,
Goa Unit, Mazdoor Bhavan,
Central Rly. Qtrs. G-96, Bhandar Road, Matunga (East),
Mumbai 400 019.
(Malun N. Gaonkar)

APPEARANCE

For the Employer : Absent

For the Workmen : Absent

Date of passing of Award: 14th July, 2006.

AWARD

1. This reference was sent by the Desk Officer to the Government of India, Ministry of Labour, by its Order No. L-41012/125/2004(IR(B-I) dated 4th July, 2005 in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 to this Tribunal for adjudication :

“Whether the action of the Management of Konkan Railway Corporation Limited in deducting HRA and

quarter rent for the period from November, 2001 to August, 2003 from the salary of Shri Malun N. Gaonkar Gatekeeper is legal and justified? If not, to what relief the workman is entitled for?”

2. In response to the said reference notices were sent to both the parties. Record and proceedings reveal that, Exhibit 3 is served on 1st Party and Exhibit 4 reveals that it is served on 2nd Party Union.

3. Though notices were served as stated above nobody appeared in the proceedings. It reveals that, they are not interested to proceed with the reference. Hence I pass the following order :

ORDER

Reference is disposed of for want of prosecution.

Mumbai,
14th July, 2006

A.A. LAD, Presiding Officer

नई दिल्ली, 23 अगस्त, 2006

का.आ 3720.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, सं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या 26/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2006 को प्राप्त हुआ था।

[सं. एल-41012/40/98-आई आर(बी. I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 23rd August, 2006

S.O. 3720.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 26/1999) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 23-8-2006.

[No. L-41012/40/98-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE
**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, NEW DELHI**

Presiding Officer : R.N. Rai.

I.D. No.26/1999

In the matter of :—

Shri Shyam Lal,
S/o Shri Jagan Nath, C/o. Sh. D.K. Jha,
T-46-B, G.T. Road, Kanpur
Uttar Pradesh -4.

VERSUS

The Sr. D.P.O., DRM Office,
Northern Railway,
State Entry Road,
New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-41012/40/98-IR (B-I) Central Government dated 31-12-1998 has referred the following point for adjudication :

The point runs as hereunder :—

“Whether denial of duty to Shri Shyam Lal S/o. Shri Jagan Nath as Bunglow Khalasi reporting for duty after illness by Northern Railway was justified? If not to what relief the workman is entitled to?”

The workman applicant has filed claim statement. In the claim statement it has been stated that the workman was given appointment after medical examination in Class C-1. Thereafter he was deputed as Khalasi on Bunglow. He suddenly fell ill so he could not report to duty. As and when he recovered from his illness he approached the management. He was medically examined and he obtained a certificate and went to join his duties but he was not permitted to do so.

The management has filed written statement and it has been stated therein that the workman was given appointment for a period of 3 months on temporary basis. His services were found unsatisfactory. He remained absent from 21-02-1992 to 13-06-1992 without information. He was a casual labour and he did not turn up. The workman applicant has filed rejoinder. He has reiterated the averments of his claim statement in his rejoinder.

Both the parties have filed affidavit. The workman is not turning up for a long time. Notices have been sent to him on the address provided, still he did not turn up.

It was submitted that in appointment letter it has been specifically mentioned that he will have to work as substitute Bunglow Khalasi in any Railway Officer in Delhi/ New Delhi Area and if in any eventuality he is found unwilling to work as Khalasi or he is found unsuitable his services shall be liable to be terminated as per rule enforce and further he will have no right/claim to claim Class D appointment in Railway.

It becomes quite obvious that the workman was appointed as substitute. He was a casual labour. He did turn up for three months so his services were terminated.

The appointment of the workman applicant was as casual labour and substitute and it has been mentioned in the appointment letter that if his services were found unsatisfactory he will be removed. He absented for three months without sanctioned leave. So the management has rightly terminated his services.

The reference is replied thus :—

The denial of duty to Shri Shyam Lal, S/o. Shri Jagan Nath as Bunglow Khalasi reporting for duty after illness by Northern Railway is justified. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.—

Date : 17-08-2006.

R. N. RAI, Presiding Officer

नई दिल्ली, 23 अगस्त, 2006

का.आ 3721.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चम्पारण क्षेत्रीय ग्रामीण बैंक, मोतीहारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. I, धनबाद के पंचाट (संदर्भ संख्या 86/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2006 को प्राप्त हुआ था।

[सं. एल-12012/276/95-आई आर(बी. 1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 23rd August, 2006

S.O. 3721.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 86/97) of the Central Government Industrial Tribunal/Labour Court No. I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Champaran Kshetriya Gramin Bank, Motihari and their workman, which was received by the Central Government on 23-8-2006.

[No. L-12012/276/95-IR (B-I)]

AJAY KUMAR, Desk Officer

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT
(NO.1), DHANABAD**

In the matter of a reference under Section 10(1) (d) and (2A) of Industrial Disputes Act, 1947

Reference No. 86 of 97

PARTIES : Employers in relation to the management of Champaran Kshetriya Gramin Bank, Motihari.

And

Their workmen

PRESENT : Shri Sarju Prasad, Presiding Officer

APPEARANCES:

For the Employers : Sri S. Pathak, Adv.

For the Workmen : None

State : Jharkhand Industry : Coal

Dated 8-8-2006

AWARD

By Order No. L-12012/276/95/IR(C-I), dated 8-4-97 the Central Government in the Ministry of Labour has in exercise of powers conferred by clause (d) of sub-section (1) and Sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Champaran Kshetriya Gramin Bank, Motihari, in terminating the services of Sh. Banshi Dhar Mishra is legal and justified? If not, to what relief the workman is entitled to?”

2. From the record it appears that no step is being taken on behalf of the concerned workman since 6-2-2004. Therefore, it appears that the concerned workman is not interested in contesting the case. Therefore, I render No Dispute Award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 23 अगस्त, 2006

का.आ 3722.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इम्यूनोलोजिकल लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, हैदराबाद के पंचाट (संदर्भ संख्या 127/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-2006 को प्राप्त हुआ था।

[सं. एल-42012/169/2003-आई आर(सी-II)]
अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 23rd August, 2006

S.O. 3722.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 127/2004) of the Central Government Industrial-Tribunal cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Immunological Limited and their workman, which was received by the Central Government on 22-8-2006.

[No. L-42012/169/2003-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
ATHYDERABAD**

PRESENT : Shri T. Ramachandra Reddy,
Presiding Officer

Dated the 31st day of July, 2006

INDUSTRIAL DISPUTE NO. 127/2004

BETWEEN:

Sri M. Satyanarayana,
E-2, III, Housing Complex,
Gachibowli,
Ranga Reddy Distt., Hyderabad - 500019.Petitioner
And

The Executive Director,
Indian Immunological Limited,
Gachibowli,
Ranga Reddy District,
Hyderabad.Respondent

APPEARANCES:

For the Petitioner : **NIL**

For the Respondent : M/s P. Nageswar Sree,
K. Raghuram Reddy &
Ch. Venkata Raju, Advocates.

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012/169/2003-IR(CM.II) dated 19-7-2004 referred the following dispute under section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Indian Immunological Limited and their workman. The reference is,

SCHEDULE

“Whether the action of the management of Indian Immunological Limited, Gachibowli, Hyderabad in terminating the services of Sri M. Satyanarayana, Supervisor is legal and justified? If not, to what relief the workman is entitled ?”

The reference is numbered in this Tribunal as I.D. No. 127/2004 and notices were issued to the parties.

2. Petitioner called absent on 31-7-2006. Respondent's Counsel present and represented that the Petitioner is not taking interest and absenting himself since long time and did not file claim statement or documents. Heard the counsel for the Respondent. In view of the circumstances, 'Nil' Award is passed. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 31st day of July, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner Witnesses examined for the Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 23 अगस्त, 2006

का.आ 3723.-—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल फाडर सीड प्रोडक्शन फार्म के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बैंगलोर के पंचाट (संदर्भ संख्या 42/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-2006 को प्राप्त हुआ था।

[स. एल-42012/154/2003-आई आर(सी. II)]
अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 23rd August, 2006

S.O. 3723.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 42/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Fodder Seed Production Farm and their workman, received by the Central Government on 22-8-2006.

[No. L-42012/154/2003-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 9th August 2006

PRESENT:

Shri A.R. Siddiqui Presiding Officer

C. R. No. 42/04

I PARTY

Shri P. Venkatesh,
S/o Pillappa,
Byatha Village,
Bangalore North Taluk,
BANGALORE.

II PARTY

The Director,
Central Fodder Seed
Production Farm,
Ministry of Agriculture,
Department of Animal
Husbandry & Dairying,
Hesarghatta,
BANGALORE.

APPEARANCES:

1st Party : Shri Adinath Narde, Advocate
2nd Party : Shri Vishnu Bhat, Advocate.

AWARD

The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this

dispute *vide* order. No. L-42012/154/2003 July, IR(CM-II) dated 29th July, 2004 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Central Fodder Seed Farm in refusing work to Shri P. Venkatesh, Casual Worker with effect from 3-1-1986 is legal and justified? If not, to what relief the workman is entitled?"

2. The case of the first party workman, as made out in the Claim Statement, relevant for the purpose is that he joined the services of Central Fodder Seed Farm (hereinafter called the management) on daily wage basis of Rs. 7.50 per day which was increased to Rs. 12.75 per day and he rendered the services honestly and to the satisfaction of his superiors in his entire service career; that on 2-1-1986 when he was on leave on account of his ill health and reported for duty on 3-1-1986, for no reason he was refused work by the management and he was falsely implicated in a criminal case and was acquitted by the C.J.M Court, Bangalore by judgement dated 18-10-1988. In spite, of his acquittal, he was not taken back in service thereby, compelling him to issue a legal notice on 9-4-1990 but in vain; that thereafter, he raised an industrial dispute before the jurisdictional Conciliation Officer by filing a claim petition on 21-11-1990 resulting into a reference to the labour court, Bangalore which court was pleased to pass an award dated 1-9-1995 allowing the reference reinstating him in service to his original post with full back wages and other consequential benefits; that the management challenged the above said award by way of writ petition and the Hon'ble High Court while setting aside the award on the ground that labour court had no jurisdiction to pass the same however, directed the management to take back the first party in service as a casual worker on daily wage basis as and when work is available and he shall be continued to be so engaged until dispute was raised by the first party and was adjudicated upon by the appropriate forum. This order of the Hon'ble High Court setting aside the award came to be passed on 2-1-2002; that in the meanwhile the High Court stayed the operation of the award passed by the Labour Court *vide* order dated 8-9-1997, as far as the relief of back wages is concerned. Thereupon, on the application made by the management order dated 11-11-1997 was passed by the Hon'ble High Court staying the operation of the award in so far as reinstatement is concerned. On 25-11-1997 the High Court in place of earlier interlocutory orders stayed the operation of the award on compliance of Section 17B of the ID Act directing the management to pay current wages from the date of the award. The said order was further modified the order dated 23-1-1998 staying the operation of the award subject to the compliance of Section 17B. In pursuance to the aforesaid interlocutory orders, first party reported for duty on 17-2-1998

but was again refused work compelling him to once again approach the High Court and then the High Court *vide* order dated 30-11-1999 passed another order stating that the interim order dated 23-1-1998 shall be continued only in the event of conditions are complied with, otherwise stands vacated. Once again the first party was permitted to report for duty on 27-1-2000 and again was refused work w.e.f. 25-2-2000. Thereupon, order dated 12-6-2000 was passed by the High Court asked the management to pay 17(B) wages to the first party during four weeks from the date of said order; that the management by letter dated 12-7-2000 called upon the first party for casual work and the first party report for duty on 17-7-2000. By letter dated 16-2-01 the management informed the first party that he will be engaged only during the agricultural and harvesting seasons, during the months of August and September only. Thereafter, it is on 2-1-2002 the High Court set aside the award asking the first party to approach the proper forum. Then he approached Central Administrative Tribunal in CA No. 346/02 and that was disposed off on 22-7-02 with the observation that the first party has to agitate the claim before the ALC(C) at Bangalore. Then he approached the said authority and on account of failure of the conciliation proceedings, the present reference has been made to this tribunal. Therefore, he requested this tribunal to pass an award reinstating him in service to the original post with full back wages, continuity of service and other consequential benefits.

3. The management by its counter statement contended that it is an agricultural farm owned and controlled by the Govt. of India involved in fodder production on no profit and no loss basis imparting technical training on farm production to the farming community as well as to the in service officers of all the Governments engaged in dairy development; that the management engages the services of local people on seasonal basis and as and when the work is available and the first party was engaged on daily wage basis as and when the work was available during the years 1982 to 1985. In the year 1986, the first party workman manhandled a technical officer of the farm and absented himself indefinitely and never turned up to the farm for any work from 3rd January, 1986 onwards; that the first party was being engaged intermittently and he was not engaged for 240 days in a year at any point of time; for the above said incident of manhandling of the technical officer of the farm by the first party, he was prosecuted in CC No. 388/1986. However, he was acquitted by the Criminal Court for want of evidence on 18-10-1988; that in the year 1990, the first party without approaching the management directly approached the State Labour Court, Govt. of Karnataka raising the dispute and an *ex parte* award came to be passed by the said court in favour of the first party; that award was challenged by the management and was set aside by the Hon'ble High Court by order dated 2-1-2002 reserving liberty to the first party to approach the appropriate forum with a direction to the management to engage the services of the first party as and when the work is available on daily

wages, which directions of the High Court have been implemented in their very letter and spirit and the first party is being engaged on need basis as and when the work is available on daily wages basis. The management thereafter, took the contention that the management is not an 'Industry' as defined under Section 2(j) of the ID Act and the first party is not a workman and therefore, the reference is liable to be dismissed. The management also contended that all the interlocutory orders passed by the High Court in the Writ Petition filed by it have culminated in the final order of the High Court dated 2-1-2002 and therefore, they are merged with the final order. Therefore, the management requested this tribunal to reject the reference.

4. During the course of trial, the management filed affidavit of one Shri Govindan, working as a Director, by way of examination chief reiterating the various contentions taken by the management in its Counter Statement. In his cross examination he admitted that the first party joined the services of the management on 2-1-1982 but denied the suggestion that he was working as a Watchman on wages of Rs. 7.50 per day initially to be increased to Rs. 12.50 per day in future. He denied the suggestion that on 2-1-1986 the first party was on leave on account of ill health and was refused work for no reason when he reported duty on 3-1-1986. He denied the suggestion that first party was a full time employee of the management and they have terminated his services illegally and that he worked for more than 240 days in a calendar year continuously.

5. The first party workman also filed his affidavit evidence by way of examination chief, almost, repeating the various averments made by him in his claim statement and in his further examination chief got marked 13 documents at Ex.W1 to W13. In his cross examination he admitted that there was no appointment order by the management in his favour much less appointment order for watchman's post. He denied the suggestion that he was not being engaged by the management as a daily worker and also the suggestion that he was not removed from service by the management and that he himself left the job. He admitted that he never approached the management in between January, 1986 to 1990 seeking the job and that he has not produced any wage slip for the period he worked earlier to January, 1986.

6. The documents at Ex.W1 to W8 are the interlocutory orders of the Hon'ble High Court dated 30-11-1999 and 9-7-2000 and the correspondence between the first party and the management taken place in the light of the interlocutory orders passed by the Hon'ble High Court referred to in the claim statement of the first party. Ex.W9 is the final order of the Hon'ble High Court dated 2-1-2002 allowing the writ petition filed by the management in setting aside the award passed by the State Labour Court, Bangalore (referred to in the Claim Statement). Ex.W10 is the failure report dated 16-4-2002 resulting into the present

reference. Ex.W11 is the office order dated 18-8-1995 under the signature of said Shri C. Govindan, Director of the management to show that certain persons have been appointed as the farm attenders, store attenders, messenger, Mali, Chowkidar etc. Ex.W12 is also the order of the management dated 1-8-1989 showing the names of about 36 persons being engaged as a casual worker on casual basis in the Agricultural Farm of the management w.e.f. 28-7-1989 till further orders. Ex.W13 series are the 29 wage slips issued in favour of the first party by the management, he being engaged as a casual worker under the Interlocutory orders of the Hon'ble High Court calling upon the management to continue his services as a daily wager. These are the wage slips ranging in between the period from 1998 to 2003.

7. Learned counsel for the management, vehemently argued that there is absolutely no evidence produced by the first party to suggest that he worked for a period of 240 days and more continuously during any calendar year in between 1982 and 1985 and that he being engaged during the above said period as a daily wager on temporary basis intermittently, he cannot seek any relief from the hands of this tribunal much less the relief of reinstatement. He contended that after he assaulted one of the officials of the management and a police complaint was lodged against him, he remained absent from duty indefinitely and therefore, there was no question of his services being terminated by the Management and that termination order was illegal attracting the provisions of the ID Act. Learned counsel also submitted that the dispute on hand is a stale dispute as undisputedly the first party for the first time approached the State Labour Court raising the dispute somewhere in the year 1990 and never approached the management from the month of January 1996, onwards. Learned counsel in support of his arguments that in the absence of any documentary evidence or any independent oral evidence such as evidence of his co-worker, the reference on hand is liable to be rejected attaching no importance or weight to the self serving affidavit of the first party before this tribunal. He also submitted that question of the management providing continuous service of 240 days and more to the first party in any calendar year never arose as the management is an agricultural farm imparting technical training on farm production to the farming community and other government officials engaging the services of local people on seasonal basis as and when the work is available.

8. Whereas, learned counsel for the first party submitted is written arguments once again repeating the various averments made in the claim statement and giving out the details of the Interlocutory orders passed by the Hon'ble High Court pending disposal of the aforesaid writ petition filed by the management.

9. After, having gone through the records, I find substance in the arguments advanced for the management. The facts undisputed are that the first party in the first instance having filed a claim petition on 21-11-1990 before the jurisdictional conciliation officer, a reference of his dispute was made to the State Labour Court, Bangalore and the Labour Court, Bangalore by its order dated 1-9-1995 having allowed the reference directed the management to reinstate the first party in service with full back wages and other consequential benefits. This award by the Labour Court, undisputedly being an ex parte award was challenged before the Hon'ble High Court in Writ Petition No. 24334/97 and that Writ Petition ultimately came to be allowed by the Hon'ble High Court vide order dated 2-1-2002 setting the award of the labour court on the ground that the management being the office under the Ministry of Agriculture and Irrigation, Govt. of India, the appropriate government to make the reference was the Central Govt. and not the State Government and therefore, the entire exercise has been undertaken without jurisdiction (by the labour court) and therefore, award was liable to be set aside. The relevant observations made by his Lordship in the above said order at para 2 run as under :—

“Reference of the dispute under Section 10(1)(c) of the Industrial Disputes Act, 1947 (Act for short) had been made by the Govt. of Karnataka, by its order dated 7-9-1992 in No. SWL1166 LID 91 dated 7-9-1992. It was therefore, that the labour court was seized of the matter and the award came to be passed. But, it is to be found that the Petitioner farm is created as a Subordinate Office under the Ministry of Agriculture and Irrigation, Govt. of India. As such, the appropriate government within the meaning of Section 2(a) of the Act was the Central Government and not the State Government. The entire exercise therefore, has been undertaken without jurisdiction. It is for this reason that the impugned award shall have to be and is hereby set aside by allowing this petition, but subject to the first respondent being taken back to work, which, as per the Petitioner, is stated to be as a casual worker on daily wage basis as and when the work is available. It is directed that he shall continue to be so engaged until the dispute to be raised by the workman is adjudicated upon by the appropriate forum, and subject to the result of that proceeding.”

10. It is again not in dispute that several Interlocutory Orders have come to be passed by the Hon'ble High Court pending disposal of the Writ Petition and it is also on record that the first party is being engaged by the management as a daily wager on casual basis in pursuance to the aforesaid directions of the Hon'ble High Court and the evidence to the above effect are the said wage slips produced by the first party himself. It is to be noted that after the above said writ petition was disposed off by the Hon'ble High Court

giving liberty to the first party to approach the proper forum, as seen above, he once again approached the wrong forum namely, the CAT, Bangalore in CA No. 346/02 and that application by the CAT came to be disposed off on 22-7-2002 with a direction to the first party to approach the Assistant Labour Commissioner (Central) at Bangalore and it is after the first party approached the said authority, conciliation proceedings were taken place and on account of failure report submitted by the authority to the Government, present reference has been made to this tribunal. Now, therefore, in the light of the above, the only point to be considered would be "as to whether the first party worked continuously for a period of 240 days and more in any block period of 12 calendar months much less immediately preceding the alleged date of his refusal of the work during the aforesaid period from 1982 to 1985".

11. In this case as noted above, to justify his claim, the first party just filed his affidavit evidence without producing any documentary evidence either in the shape of his appointment order or wage slips or any independent oral evidence of any of his co-workers who must have worked along with him during the aforesaid period. As noted above, the aforesaid wage slips pertained to the period in between 1998 and 2003 during which period he was being engaged by the management under the interlocutory orders of the Hon'ble High Court and thereafter under the final order passed calling upon the management to engage him on casual basis. Therefore, these wage slips will not come to the rescue of the first party in establishing his case that during the period from 1982 to 1985 he worked under the Management continuously for a period of 240 days and more. The aforesaid two office orders made by the Director of the Management marked at Ex.W11 & W 12 again will not come to his rescue, as these are the orders made in respect of some other persons engaging them as casual workers on casual basis during the year 1995 and 1989, respectively. The first party cannot claim any sort of right of employment much less a relief of reinstatement taking help of the above said two orders as admittedly his name did not appear in the above said two orders and it is also not in dispute that subsequent to 1985 he is not all in the service of the management. Therefore, there being no scrap of paper produced by the first party to suggest that he was in the service of the management and worked continuously for a period of 240 days and more in any calendar year during the aforesaid period from 1982 to 1985, he cannot be a workman having driven any right under the provisions of Section 25 B of the ID Act, as he failed to fulfill the requirements of the said provision. Learned counsel or the management was right in contending that the burden of proof in the cases like one on hand lies upon the first party workman and it is for him to adduce cogent evidence both oral and documentary to establish his contention that he worked for a period of 240 days and more and thereby fulfilled the requirements of Section 25B

of the ID Act and in the result, his alleged termination amounts to illegal retrenchment attracting the provisions of Section 25F read with Section 2(oo) of the ID Act. Their Lordship of Supreme Court in a decision reported in 2006 SC case (L&S) 2006 SC cases (L&S) RM Yellatti Vs. Assistant Executive Engineer have laid down the principle of law in very clear words to suggest that in such cases mere filing of affidavit or self serving statement made by the workman will not suffice and it is for the workman to adduce cogent evidence both oral and documentary in order to attract the provisions of Section 2(oo) read with Section 25B of the ID Act. Similar, is the view taken by their lordship of Supreme Court in 2004 SC cases (L&S) II- Batala Coop. Sugar Mills Ltd., Vs Sowaran Singh. Their Lordship in another case reported in 2006 Supreme Court(L&S) 38 Surendranagar District Panchayat Vs. Dahyabhai Amarsingh once again laid down the principle that in the cases like one on hand onus to prove that first party workman worked for a period of 240 days and more continuously, lies upon the first party himself and he must produce the evidence in the form of receipt of salary or wages or by examining a witness who was his co-worker and in case, he fails to do so he cannot succeed in attracting the aforesaid provisions of ID Act. In the instant case therefore, as noted above, since the first party has not produced any sort of oral or documentary evidence except his affidavit by way of self serving statement he has failed to substantiate before this tribunal that he worked for a period of 240 days and more continuously during 12 months calendar period when he was being engaged as a casual worked by the management between 1982—85. It is also not probable and believable that first party could have worked with the management for such a long period in a particular calendar year as undisputedly the management being an agricultural farm has been taking the services of the local people on casual basis that too during the seasonal period and not throughout the year. In the result, there can be no hesitation in the mind of this tribunal to record a finding that first party has failed to establish rather fulfill the requirements of Section 25B of the ID Act, therefore, his alleged termination cannot be said to be retrenchment as defined under Section 2(oo) of the ID Act so as to attract the provisions of Section 25F of the ID Act.

12. As argued for the management, the reference on hand also must fail for the reason that the dispute on hand is a stale dispute. From the very admissions made by the first party in his Claim Statement it can be seen that in between January 1986 till November 1990 he never approached the management nor raised any dispute before any competent authority. He raised the dispute first time in the year 1990 that too before a wrong forum and thereafter an award was passed in his favour by the Labour Court and that ultimately came to be set aside by the Hon'ble High Court in the aforesaid Writ Petition. Therefore, for a petty long time i.e. for a period of more than 5 years, there

was absolutely no dispute existing between the first party and the management and in the result it cannot be said that any dispute was existing between the parties as on November 1990 when for the first time he approached the State Labour Conciliator raising the dispute. It was certainly a case of stale dispute not to be entertained either by the Conciliator or by the Labour Court much less by this court. In the result reference must fail on this count also. However, keeping in view the undisputed fact that the first party is being engaged by the management even as on today under the orders of the Hon'ble High Court in the said Writ Petition as a daily wager on casual basis, that too, whenever the work is available, it appears to me that ends of justice will be met if the management continues to engage the services of the first party as a daily wager on casual basis as and when the work is available. Hence the following award :

AWARD

The reference stands dismissed. The management however, is asked to continue the services of the first party as a casual worker on daily wage basis engaging his services as and when the work is available. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 9th August, 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 23 अगस्त, 2006

का.आ 3724.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वैटरनरी काउन्सिल ऑफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 128/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-2006 को प्राप्त हुआ था।

[सं. एल-42012/50/2005-आई आर(सी. II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 23rd August, 2006

S.O. 3724.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 128/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management employers in relation to the of Veterinary Council of India and their workman, whixch was received by the Central Government on 22-8-2006.

[No. L-42012/50/2005-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

Presiding Officer: R. N. Rai.

I.D. No. 128/2005

In the matter of :—

Shri Sushil Kumar,
C/o. Akhil Bhartiya Theka (Contractor) Mazdoor Sangathan,
H. No. 4, Street No.1,
Karkardooma Village,
Delhi - 110 092.

VERSUS

The Secretary,
Veterinary Council of India,
16/15, W.E.A., Arya Samaj Road, Karol Bagh,
New Delhi 110 005.

AWARD

The Ministry of Labour by its letter No. L-42012/50/2005-IR (CM-II) Central Government dated. 06-12-2005 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of M/s. Veterinary Council of India, New Delhi in terminating the services of Shri Sushil Kumar, Peon on daily wages w.e.f. 3-01-2004 is legal and justified? If not, to what relief the workman is entitled to and from which date?”

It transpires from perusal of the order sheet that notice has been sent to the workman applicant but he did not turn up on 3-04-2006 and 4-7-06 despite service of notice. He has not filed claim statement.

No dispute award is given.

Date: 11-0-2006.

R. N. RAI, Presiding Officer

नई दिल्ली, 23 अगस्त, 2006

का.आ 3725.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण असनसोल के पंचाट (संदर्भ संख्या 91/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-2006 को प्राप्त हुआ था।

[सं. एल-22012/43/2000-आई आर(सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 23rd August, 2006

S.O. 3725.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 91/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Asanol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 22-8-2006.

[No. L-22012/43/2000-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT

Sri Md. Sarfaraz Khan, Presiding Officer.

Reference No. 91 of 2001.

PARTIES : The Agent, Naba Kajora Colliery of M/s. ECL, Kajoragram, Burdwan.

Vrs.

The Organising Secretary, West Bengal Coalfields Shramik Congress, Parsea, Burdwan.

REPRESENTATIVES

For the management : Sri P. K. Goswami, Advocate.

For the union (Workman) : Sri N. Pandit, Organising Secretary, West Bengal Coalfields Shramik Congress.

INDUSTRY: COAL State : West Bengal
Dated the 24-05-2006

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour *vide* its letter No.L-22012/43/2000-IR(CM-II), dated 19-09-2000 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Ms. Eastern Coalified Ltd., Nabakajora Colliery in dismissing Sh. Balkishun Jaiswara, U.G. Loader from services is legal and justified? If not, to what relief the workman is entitled?”

2. After having received the Order No. L-22012/43/2000-IR(CM-II), dated 19-09-2000 in respect of the said

reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 91 of 2000 was registered on 27-09-2000 and accordingly an order was passed to issue notices to the parties concerned through the registered post directing them to appear on the date fixed and file their written statement along with the documents and a list of witnesses in support of their cases. Pursuant to the notices issued Sri P. Goswami, Advocate appeared on behalf of the management along with a letter of authority. Subsequently Sri N. Pandit, Organising Secretary of the union representing the workman concerned appeared and filed a written statement on its behalf.

3. From perusal of the record it transpires that the case was fixed for filing written statement on behalf of the management. It is further clear from the record that the union left taking any step on behalf of the workman concerned since 8-9-2005. Several opportunity and adjournments were given for appearance of the union in between 8-9-2005 to 24-05-2006 and to take suitable step on its behalf but to no effect. The regular absence and non-taking of any step on behalf of the union indicates that the union has lost its interest in this case and does not want to proceed further with this case. In such circumstance it is not proper and advisable to keep the record pending any more. So such it is hereby

ORDERED

That let a “No Dispute Award” be and the same is passed. Send the copies of the award to the Ministry of Labour, Government of India, New Delhi for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presidng Officer

नई दिल्ली, 23 अगस्त, 2006

का.आ 3726.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण असनसोल के पंचाट (संदर्भ संख्या 17/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-2006 को प्राप्त हुआ था।

[सं. एल-22012/77/2002-आई आर(सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 23rd August, 2006

S.O. 3726.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Asanol as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of ECL and their workman, which was received by the Central Government on 22-8-2006.

[No. L-22012/77/2002-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT

Sri Md. Sarfaraz Khan, Presiding Officer.

Reference No. 17 of 2002

PARTIES : The General Manager Satgram Project Area of M/s. ECL, Devchandnager, Burdwan.

Vrs.

The Chief General Secretary, Koyal Mazdoor Congress, Asansol, Burdwan.

REPRESENTATIVES:

For the Management : Sri P. K. Goswami, Advocate.

For the Union (Workman) : Shri K. Pandey, General Secretary, Koyal Mazdoor Congress

INDUSTRY : COAL State : **WEST BENGAL**
Dated the 19-5-2005

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No.L-22012/77/2002 - IR(CM-II) dated 2000-2002 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of Satgram Project M/s. Eastern Coalfields Ltd., in not reinstating Sh. S. N. Pandey, Head Peon is legal and justified? If not, to what relief Sh. S.N. Pandey is entitled to ?”

2. On having received the Order No. L-22012/77/2002 IR(CM-II) dated 25-6-2002 of the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 17 of 2002 was registered on 8-7-2002 and accordingly an order was passed to issue summons to the respective parties through the registered post directing them to appear and file their Written Statement along with the documents and a list of witnesses in the date fixed. Pursuant to the summons issued by the order of the Tribunal, both the parties appeared in the court. Sri S. K. Pandey, General Secretary of the Union

concerned represented the delinquent workman on behalf of the Union and Sri P. K. Das, Advocate appeared on behalf of the management. Both the representatives of the parties filed their Written Statement in support of their respective claims.

3. The case of the Union in brief compass as set forth in the Written Statement filed on his behalf is that Sh. S. N. Pandey was a permanent employee of Satgram Project working in the capacity of a Head Peon. He was appointed on 1-4-1954 and his date of birth was recorded in the 'B' Form of the company as 1-02-1939.

4. The main claim of the union is that as per the recorded date of birth of the delinquent employee and according to the contract of employment with the management the workman concerned was entitled to work upto 1999 which was the due date of his superannuation on completion of sixty years but unfortunately the management of Satgram Project illegally terminated him from the service of the company with effect from 20-6-97 violating all rules and regulations of the company. The further case of the Union is that the concerned management illegally terminated the service of several other workman on and from 20-6-97. In spite of several request of the workman and the union, the management did not allow him to resume his duty whereas the management in the similarly situated circumstance have already allowed other workmen who arised their protest. It is also the claim of the union that there is no provision in the Mines Act or in the Standing Order of the company that any employee will have to be superannuated simply because he has served the company for more than 42 years. On the aforesaid fact, by way of relief it has been prayed that the termination of services of S. N. Randey w.e.f. 20-6-97 be declared illegal and an award may be passed in favour of the workman directing the management to arrange the payment of wages for the period from 20-6-97 to 31-1-99 with all consequential benefits.

5. On the other hand the defence case of the management in short as per its written statement is that the instant reference is bad in the eye of law and the terms of reference arising out of this dispute raised by the workman is claimed to be entirely misconceived one and the same can not be a valid ground for raising any industrial dispute.

6. The main defence of the management is that as per the Mines Act, no person can be appointed in the mines who is below the age of 18 years and as such the length of service of any employee can not be more than 42 years i.e. the age of superannuation of any employee is 60 years and in view of the said age limit the service of the concerned Ex-employee was terminated by the management and the said termination was fully lawful and justified and can't be said in any way arbitrary or illegal. It is also the case of the management that the delinquent ex-workman can not unduly claim for continuation of his service after

31-1-1999 on the basis of the recorded date of birth and the workman concerned who, completed his 42 years of service was terminated by the management w.e.f. 20-6-1997 which is fully justified in view of the said facts and submission. In the last, the management has claimed that the action taken by the competent authority is fully justified in terminating the service of Sh. S. N. Pandey and Mr. Pandey is not entitled to get any relief claimed so, a no dispute award is prayed to be passed.

7. From perusal of the record it transpires that the union has filed Xerox Copies of the Identity Card of the workman concerned (Ext. W.1) copy of the excerpts from the service record of the workman (Ext. W.2) Copy of the letter issued to the workman by the management regarding his superannuation (Ext. W.3) Copy of the letter given by the side of the workman to the General Manager of the colliery concerned by way of protest against his premature superannuation (Ext. W.4). Copy of the failure of conciliation Proceeding report of A.L.C.(Central) Asansol (Ext. W.5). Besides this an affidavit of the workman concerned has also been filed on behalf of the union as an oral evidence.

8. On the other hand in spite of giving opportunity to adduce evidence and tender documents, the management did neither adduce any oral evidence nor filed a chit of paper by way of document in support of its defence case.

9. In view of the pleadings of both the parties and the documents available on the record there are certain following admitted facts, which according to the cardinal principle of evidence act need not be proved. It is the admitted fact that the delinquent workman Sh. S. N. Pandey was a permanent employee designated as Head Peon in Satgram Project which is clear from the Identity Card itself. It is further admitted fact by both the parties that Sh. S. N. Pandey, the workman concerned was appointed on 1-4-1954 and his date of birth had been recorded as 1-2-1939 as per the Form 'B' Register of the company. It is also the admitted fact that the workman concerned was terminated by the management w.e.f. 20-6-1997 as he had completed his 42 years of service.

10. The management in para I of its written statement has taken the plea that the instant reference is bad in the eye of law and the same is misconceived one and not legally maintainable. But the aforesaid issue was neither raised nor pressed by the management during the course of hearing of the dispute. The management has neither examined any oral witness nor tendered even a chit of paper in support of its plea. As such I do not find any defect in the maintainability of this reference and the facts of the case very well comes under the purview of the Industrial Disputes Act. The Govt. of India through the Ministry of Labour has rightly referred the dispute to this Tribunal for

adjudication and as such this issue is decided against the management.

11. Now the only main point for consideration before the court is to see as to how far the superannuation of the delinquent workman by the management on the ground of completion of 42 years of his service and after having reached the age of 60 years is legal and justified?

12. On perusal of the record it transpires that the union has filed the Xerox Copy of the Identity Card of Sh. S. N. Pandey, the workman concerned (Ext. 1) and the copy of the excerpts of his service record (Ext.2) which are the admitted documents by both the parties. These documents are relevant and important for the consideration of the said issue. It is clear from both the documents that the date of birth of the workman as recorded therein is 1-2-1939 and admittedly by virtue of the said admitted date of birth the actual year of superannuation of the workman at the completion of sixty years of age will be 1999 end not the year 1997. Besides this the copy of the office order *vide* Act RL/CMD/C-613/GM(P)/97/5 Gen. &/1037 dated 27-10-1997 issued by the General Manager (Pers.) has been filed by the union. It is clearly mentioned therein that the competent authority has approved reinstatement of such employees with continuity of service for the purpose of payment of gratuity who were superannuated earlier on completion of 42 years of service, irrespective of their recorded age in Form 'B' Register. All the CGMs/GMs have been strictly advised to immediately implement above circular. In the light of the said circular almost all the terminated workmen are claimed to have been reinstated in service except Sri S. K. Pandey and a few others. During the course of argument the attention of the court was drawn towards the provision laid down in Article 1 (iv)(b) of schedule 1-B of Industrial Employment (Standing Orders) Act, 1946 where it is clearly provided that the date of birth of the workman once entered in the service card of the establishment should be sole evidence of the age in relation to all matters pertaining to his service including fixation of date of his retirement from service of the establishment. In view of the said specific provision the actual date of retirement at the age of sixty years of the workman should be 1999 instead of 1997.

13. It is clearly pleaded in para 1 of the written statement filed on behalf of the management that as per the Mines Act no person can be appointed in the mines who is below the age of 18 years and accordingly the length of service of any employee can not be more than 42 years as the age of superannuation of the employee is sixty years. This plea taken by the management itself is nullified in view of the circular dated 27-10-97 issued by the General Manager (Pers.) directing all the concerned CGMs/GMs of the establishment directing them to reinstate such employees who were superannuated earlier in completion of 42 years of service irrespective of their recorded age in

Form 'B' Register. So the defence plea taken by the management is contradictory to the spirit and directives of the office order of the competent authority.

14. It is clearly provided in Section 40 of the Mines Act of 1952 in respect of employment of person below eighteen years of age that after the commencement of the Mines (Amendment) Act, 1983, no person below eighteen years of age shall be allowed to work in any mine or part thereof. This Amendment Act, came into force w.e.f. 31st May, 1984. This Section 40 of the Act. itself indicates that the person were being employed in the mines below eighteen years of age before the commencement of the Mines (Amendment Act, 1983) and that is why after realizing the mistaken conduct the competent authority of ECL, Head Quarters in view of the said facts issued circular to all the concerned to reinstate the employees who were superannuated earlier on completion of 42 years of service.

15. It is relevant to mention here that the coal mines were taken by the Central Govt. in the year 1971 and prior to that all the mines were governed by the private persons who were quite competent to employ any person medically fit below the age of eighteen years as there was no bar then in the employment of persons below eighteen years of age nor there was any specific provision in this regard. So subsequently after nationalization of the Coal Mines the Act was amended with an specific provision in this regard which came into force in the year 1984. Admittedly the workman concerned might have entered in the service in the early age and he completed 42 years of service before the date of his completion of sixty years of age which can not be a ground to superannuate the workman on early date. It is quite natural that after the forceful superannuation the workman had received the amount of provident fund from CMPF as per direction in the letter of superannuation issued by the management to the workman to withdraw the dues if any from the Satgram Colliery.

16. In view of the above facts, circumstances, evidence and the discussion made I am satisfied to hold that the action of the management by forcefully superannuating Shri S. N. Pandey, Head Peon from service is quite illegal, unjustified against the principle of natural justice and the workman is entitled to continue in service till the year 1999 i.e. the actual date of his superannuation. But since the period has already expired the workman is entitled to get all financial benefits as if he continued his service till the year 1999 and as such the management is directed to give all financial benefits to the workman concerned within the two months from the date of notifications. Accordingly it is hereby

ORDERED

that let an "Award" be and the same is passed. Send the copies of the award to the Ministry of Labour, Govt. of India, New Delhi for information and needful. The reference is accordingly disposed of.

Md. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 24 अगस्त, 2006

का.आ 3727.—औद्योगिक विवाद अधिनियम, 1947 (1947 का.14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिडिकेट बैंक के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, सोलापुर के पंचाट (संदर्भ संख्या 12/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2006 को प्राप्त हुआ था।

[सं. एल-12012/28/2001-आई आर (बी.-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 24th August, 2006

S.O. 3727.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/2001) of the Labour Court, Solapur as shown in the Annexure, in the Industrial Dispute between the management of Syndicate Bank and their workman, received by the Central Government on 23-8-2006.

[No. L-12012/28/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE IN THE FIRST LABOUR COURT AT SOLAPUR

CORAM: SOU. SUCHITRA S. GHODKE, PRESIDING OFFICER, SECOND LABOUR COURT, SOLAPUR

Reference (IDA) No. 12/2001

Between

Syndicate Bank,
Bharati Vidyapeeth Bhavan,
3rd Floor, Navi Peth,
Pune-411030

..... First Party

And

Bhalchandra Shantvirappa Mahanad,
Age- 43 years, Occupation- Nil,
R/at- 12/3, Nila Nagar,
Budhwar Peth,
Solapur

.....Second Party

Shri Salgar, Advocate for First Party

Shri B. S. Bhadange, Advocate for Second Party

AWARD

(Dictated & Declared on 30-6-2006)

1. The Under Secretary New Delhi in exercise of the powers conferred upon him by Section 39 of the Industrial Disputes Act, 1947 r/w. Section 10(1) and 12(b) of the I.D. Act, referred the dispute between the above named parties for his reinstatement in Service with continuity of service and full back wages w.e.f. 12-11-1998.

2. After receipt of the notice second party has appeared and filed his statement of claim at Exh. U-I. From 18-8-1982, the second party was working with the first party. In view of the order dated 27-11-1999 his services were terminated from 6-12-1999. The departmental enquiry was conducted. One Shri A. G. Badadapure has made a complaint against the Second party. On those complaint the second party was charge sheeted. In view of the show cause notice the second party has also filed the written submission dated 7-6-1999. The allegations were made in respect of the departmental enquiry and the findings given by the enquiry officer. According to the second party there is no misconduct committed by him. The charges are false. Without any sufficient evidence enquiry officer has given the findings against him and held him guilty. According to the second party his termination is by way of victimisation and in colourable exercise of employers rights. Shri. A. G. Badadapure had obtained the loan from the Sakhar Peth Branch, Solapur of first party. By way of co-op. He has assisted the said borrower in execution of the document. The alterations were made in the documents. The borrower failed to repay the loan amount. Hence Branch office has issued two notices to the borrower. No reply was given by the borrower to the said notices. Two years he has filed the false complaint dated 30-3-1998 against the present second party to defraud the bank. The second party has no rule in respect of the allegations. Shri S. S. Mahanad his brother and Smt. Mananad is his mother. A. G. Badadapure is well conversant with his brother. He has withdrawn the amount and deposited in account of Priya Arts. The second party has no concerned with the said transaction. The mother of the second party has obtained loan from the same branch, the Manager has sanctioned the loan after scrutiny of the papers. At the request of his mother the amount was transferred to Priya Arts. Smt. Mahanad has no grievance at anytime. She has issued a letter. She has not examined during the enquiry. The credit facility provided to the brother of second party S. S. Mahanad who has requested for encasement of C. C. limit but the bank has refused. He had filed the suit against the bank. The bank initially got annoyed and filed this concocted story and complaint. The Manager has committed irregularities and illegalities. The second party has claimed the relief of cancellation of the termination order 27-11-1999 claiming the relief of reinstatement in continuity of service and cost of this application.

3. The first party bank has filed its written statement at Exh. C-4. They have denied the present claim made in the reference. According to the first party, second party has committed misconduct prejudicial to the interest of the bank. When he was working at Sakhar Peth branch, Solapur he had opened the account on 26-12-1995 in the name of A.G. Badadapure, retired govt. official by depositing

Rs. 51. He has himself filed the opening form of saving bank account and does not obtained signature of depositor. The bank has issued the pass book. The cheque book facility containing 10 cheques was also issued on 14-3-1996. The second party has introduced the Branch Manager and requested that A. G. Badadapure seeking the credit facility from the bank for agricultural purpose. The Farm loan of Rs. 12,000 was sanctioned to A. G. Badadapure but arrange Farm loan account No. 2/96 of Rs. 12,800. The loan was for purchased the pump sets. On the same day the second loan farm loan account No. 3/96 was sanctioned and arranged to him of Rs. 25,000 for laying the pipeline. The surety was V. G. Badadapure. Two farm loans were credited to the account No. 6578. The entire amount of Rs. 37,800 was withdrawn on the same day through withdrawal slip 12-2-1996. The cashier has noted that amount Rs. 25,800 has been appropriated towards the farm loan account No. 2/96 and his S L account No. 10/95 and sum of Rs. 12,000 has been paid in cash. The voucher slip and relevant ledger entry observed that Rs. 800 has been credited to farm loan account of Shri A. G. Badadapure and Rs. 25,000 was credited to his F. L. account Priya Arts, its partnership form of S.S. Mahanad brother of second party. All the documents of withdrawal slip and credit slip are in the hand writing of the second party. On 12-2-1996, when S. G. Badadapure was visited to the Branch and enquired about his loan proposal he was told by the second party that his credit facility was sanctioned and his signature were obtained on some blank document. Subsequently second party has paid him Rs. 10,000 and informed that amount of Rs. 25,000 would be remitted to the dealer directly. The dealer M/s Suyash Electronics Company from whom the collected were submitted to the branch revealed that they have not received any amount remitted by the branch. Badadapure could not installed the pump set or lay the pipeline. On account No. 6643, on 26-3-1996, second party has deposited Rs. 7200 in the name of mother of G. S. Mahanand. Thereafter on 27-3-1996, loan of Rs. 25,000 was sanctioned and released in her name. The loan was sanctioned for starting hosiery business and proceeds were credit to her account No. 6643. The amount of Rs. 33,600 was withdrawn from her account and Rs. 33,442 was credited to Priya Arts loan account number. The withdrawal slip was in the hand writing of the complainant. The account of Smt. G. S. Mahanad is classified as nonperforming account with outstanding balance of Rs. 25,180. Thus the second party has committed misappropriation and his acts are against the interest of the bank. According to the first party the appeal authority has also rejected his contentions. The past record is also not good. Being the financial institution dealing with the public money his act is not integrated and honesty. The charges against the second party are of serious in nature and there is no merits in the reference. The bank has prayed to reject the reference.

4. On rival contentions of the parties the issues are framed at Exh.O-3 which are as follows :

Issues	Findings
1. Does the first party prove that the second party has committed misappropriation by leading independent evidence?	In the negative.
2. Whether the second party is entitled to the reliefs claimed?	In the affirmative.
3. What order?	As per final order.

REASONS

5. **Issue No. 1:**— The reference is to decide as per the schedule which is as under :—

“Whether the action of the management of Syndicate Bank in terminating the services of Shri B. S. Mahanad, Clerk Solapur main Branch w.e.f. 20-3-2000 by way of compulsory retirement on the alleged charges of misconduct vide charge sheet dated 12-11-1998 is legal and justified? If not, what relief the concerned employee is entitled to?”

6. To consider this reference initially the Pat I award was delivered on 9-8-2004. It is declared that the enquiry conducted against the second party workman in view of the charge sheet dated 12-11-1998 is not fair and proper and according to the principles of natural justice. The findings of the enquiry officer are also perverse.

7. Under these back ground the first party has lead the oral evidence by examining five witnesses. In rebuttal the second party has examined himself and one witness his brother Siddhram. The charge sheet against second party dated 12-11-1998 in which there are allegations in respect of the misappropriation of the amount of Rs. 49 out of Rs. 100 given by one Shri A. G. Badadapure for opening of the saving bank account out of Rs. 100. Secondly the misappropriation of Rs. 20,000 out of the withdrawal amount Rs. 12,000 given to Shri. Badadapure on 12-2-1996 in view of the withdrawal slip No. 018131. Thirdly the charge is second party got sanctioned credit facility in the names of Shri Badadapure and his mother Smt. G. S. Mahanad fraudulently he has transfer Rs. 25,000/ from the loan account of Shri Badadapure from the account of Smt. G. S. Mahanad to Priya Arts in which brother of second party is one of the partner. The charge is in respect of committing three prejudicial activities interest of the bank vide clause No. 19.5 (J) Bipartite Settlement.

8. The documents are produced on record with reference to the transaction are along with Exh. C-14 which are referred in the discussion.

9. The evidence given by the Manager Gundopant Chikodi is at Exh. C-15. The said witness was working as Vigilance Officer in the unit since the year 1980. He has investigated into the complaint made by one Shri Badadapure against second party. He has recorded the statement of Badadapure on 16-7-1998. The said complaint is at Exh. C-17. It has come on record that at Exh. C-17, is the complaint of Shri Badadapure. On perusal of the contents of Exh. C-17, it appears that in the conclusion the second party has made allegation against Branch Manager and Shri Mahanad that he was having doubt that Rs. 25,000 has misutilised by them. Shri Badadapure has applied for the agricultural loan for electrical motor and having PVC pipe line in his agricultural land. The farm loan account No. 2/96 was for Rs. 12,8000 and the farm loan account No. 3/96 for Rs. 25,000. In his complaint he has made allegations about the second party that he had handed over Rs. 100 for opening the saving account in his name and he has not received the pass book of his account. It has come on record that at Exh. C-18, the amount of Rs. 51/- was deposited and it was alleged to be deposited by the second party. The witness Shri Badadapure has deposited at Exh. C-53, that the document Exh. C-18, bears his signature. But he has not alleged anywhere that he has given Rs. 100 to the second party to open the account and out of which he has only deposited Rs. 51. He has admitted that at Exh. C-19 C,20 the second party has identified him. According to the witness. Shri Badadapure who is the main witness has stated that initially he had enquired about his proposal of loan with the Manager and then with the second party. The second party has told that Shri Badadapure has requested that he was in need of person who will give identification. According to him he has asked to deposit Rs. 51 towards the cashier. Accordingly his account was opened and passbook was issued. The entry is existing in the ledger book and issued of the pass book. None of the bank witness has narrated that Shri Badadapure has given Rs. 100 to the second party to open the account and he has misappropriated Rs. 49/- after paying Rs. 51 for the opening of his account. As Shri Badadapure has not stated in chief examination about the payment of Rs. 100 to the second party only stated cash was handed over and he can't recollect the amount. Under these circumstances, the charge of misappropriation committed by the second party while opening the account of Shri Badadapure out of Rs. 100 is not established.

10. In respect of the amount of Rs. 2000/- misappropriated by the second party the evidence of Shri Badadapure is required to be considered. He has stated in the chief examination that 8 to 10 days after submission of the application for loan he has approached again. The Manager has orally informed him that his loan was sanctioned. Further he has stated that he has submitted the withdrawal of the said loan amount by duly signed by him to the second party. The second party has promised

him to pay the said amount to him. At Exh. C-26, there is withdrawal slip. The withdrawal slip Exh. C-26 bears the signature of Shri Badadapure which is admitted by him. Exh. C-26 is in respect of Rs. 37,800/- Shri Badadapure has stated that on the next day second party along with his brother had come to him at night and gave him Rs. 10,000 at his residence. The bank has examined the witness Shri Dnyandeo D. Kaulge at Exh. C-55. On 12-2-1996, he was working as a cashier in the Sakhar Peth Branch, Slapur of the first party. The document Exh. C-26, is shown to him. He told that on the very date he has not paid Rs. 37,800 to the token holder in view of the Exh. C-26. He could not answer that who was the token holder in respect of the said withdrawal slip. Exh. C-27, C-28 are the withdrawal slips dated 12-2-1996. Exh. C-26 is of the farm loan Account No. 10/95 is in the name of Priya Arts for amount of Rs. 25,000 and Exh. C-26 is of the farm loan account 2/96 for Rs. 800. According to this witness these both slips as per the say of the said token holder. The amount shown therein was to be deducted and net cash was paid to the token holder. The witness further stated that out of Rs. 37,000 he has deducted amount of Rs. 25,800 and balance amount of Rs. 10,000 was paid to the said token holder in cash. In the cross examination the witness has admitted that from the transaction at Sr. No. 29, scroll number it appears that amount of Rs. 37,800 was paid to Shri Badadapure. It was also again signed by the Branch Manager and scroll officer. Exh. C-26 withdrawal slip was signed by Shri Badadapure from both sides. He has also admitted that Exh. C-26 does not indicate that payment was earmarked to Priya Arts. From the evidence of the cashier it has come on record that on the very day though slip of Exh. C-26, was of Rs. 37,800 he has paid Rs. 10,000 Shri Badadapure has not deposed in the chief examination against the second party that he has misappropriated Rs. 2000. In the cross examination witness has stated that it is incorrect to suggest that he took the token and handed over to the second party with instructions to credit the said amount to his account. The witness has stated that second party has deposited the amount of Rs. 10,000 along with the interest with the first party. In the chief examination he has stated that he got his loan amount and no complaint thereafter against anybody. He has sent a letter dated 7-1-1996 which is produced along with Exh. C-7/1. From the evidence of Shri Badadapure and the evidence of cashier it can be safely inferred that there is no evidence against second party to hold that he has misappropriated Rs. 2000 out of Rs. 12,000. Because there is no evidence on record that Rs. 12,000 were paid in cash to the second party and out of which he has paid Rs. 10,000/- to the first party. Hence I hold that the first party has also failed to discharge the second charge of allegations in respect of misappropriation of Rs. 2000 out of withdrawal slip No. 018131 dated 12-2-1996.

11. In respect of the charge that obtaining credit facility in the name of his mother Smt. G. S. Mahanad. The

evidence given by bank witness Shri Sailaja P. Deodhar required to be considered. The said witness was attached to the Branch at Sakhar Peth, Solapur in the year 1996. The withdrawal slip was issued to the account holder register got maintained by her in the said branch. She was making the entry in the register. Exh. C-39, at Sr. No. 9, Page No. 53 was in respect of the withdrawal slip No. 18532 of account holder No. 6643. It was of Sou. G. S. Mahanad Exh. C-44, was referred to her in which slip No. 18532 is mentioned. She could not answer whether account holder has signed the withdrawal slip or not. In the cross examination she has admitted that below Exh. C-21 the pass book was issued on 26-12-1995 to Shri Badadapure. The cheque book was also issued to Shri Badadapure as per entry made in it. Another witness Shri Navnath B. Rajguru, who is the supervisor was examined in respect of the Exh. C-39. He has deposed at Exh. C-59. Under the supervision the withdrawal slips were issued. According to him the signature on the page No. 20 is of the bank account holder. The hand writing is of second party. The said witness Shri Rajguru has passed the said withdrawal slip in token thereof. On the instance of the said official, the second party has taken out the said withdrawal slip of the said branch. The witness could not answer that who had actually presented that withdrawal slip before him. Mrs. Deodhar has not stated anything about the said slip as the said witness is stating that she has alone handling that work. He could not answer that to whom the personally the token was handed over. According to the witness as the said withdrawal slip got valid as per the bank rules he has passed the said withdrawal slip. Exh. C-39, is not duly proved by the first party that second party has fraudulently done the act of the withdrawal of the amount and he has transferred to Priya Arts account.

12. The given evidence on behalf of the bank of the five witnesses is not sufficiently established the allegations of the misappropriation and the alleged a charge of misconduct under 19.5 (J) Bipartite Settlement. The defence taken by the second party and the evidence given by his brother at Exh. 23, that unnecessarily the second party was charged sheeted as he had made the complaint in respect of his loan transaction. The brother of the second party has come before the court that he was having cordial relations with Shri Badadapure for his business purpose. In discussion with the Manager he has made attempt to take help of Shri Badadapure by raising loan of Rs. 25,000 as he could not pay it the allegations supported and second party falsely involved. It is true that complaint given by Shri Badadapure is after two years about raising loan transactions. Though it was his complaint that only he has received Rs. 10,000 out of Rs. 37,800 why he has kept sum for two years. The existing evidence is on record given by first party, does not justify that action of the management against second party compulsory retirement with effect from 20-3-2000 is legal one. Hence issue No. 1 is answered in the negative.

13. Issue No. 2:— The second party has claimed the relief to set aside the termination order dated 27-11-1999 and claimed the relief of reinstatement in continuity of service with full back wages. In the present case, as the first party has failed to justify the termination by way of compulsory retirement given on the basis of the charge sheet dated 12-11-1996 the second party is entitled to the relief of setting aside the termination order dated 27-11-1999. He is aged old of 43 years when he has filed the statement of claim on 17-9-2001. he is entitled to get the relief as per the final award and issue No. 2 is answered accordingly. proceed to pass the following award.

AWARD

1. The reference is allowed.
2. The termination order dated 27-11-1999 with effect from 20-3-2000.
3. The first party is hereby directed to reinstate the second party in continuity of service with full back wages.
4. No order as to costs.
5. Award accordingly.
6. Informed to the Government.

SOU. SUCHITRA S. GHODKE, Presiding Officer

Please : Splapur

Date : 30-6-2006

नई दिल्ली, 24 अगस्त, 2006

का.आ 3728.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ महाराष्ट्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में श्रम न्यायालय सोलापुर के पंचाट (संदर्भ संख्या 18/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2006 को प्राप्त हुआ था।

[सं. एल-12012/216/1999-आई आर(बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 24th August, 2006

S.O. 3728.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/2001) of the Labour Court Solapur as shown in the Annexure in the Industrial Dispute between the management of Bank of Maharashtra and their workman, received by the Central Government on 23-8-2006.

[No. L-12012/216/1999-IR(B-II)]

C. GANGADHARAN, Under. Secy.

ANNEXURE

IN THE FIRST LABOUR COURT, AT SOLAPUR

CORAM: SOU. SUCHITRA S. GHODKE, PRESIDING OFFICER, FIRST LABOUR COURT, SOLAPUR

Reference (IDA) No. 18/2001

BETWEEN

Regional Manager,
Bank of Maharashtra,
Solapur Regional Office,
Gaikwad Building, Plot No. 94,
Pune Road,
Solapur First Party

And

Shri Pandurang Bhimrao Mali,
Age-41 years, Occupation-Nil
R/at-Mhalung, Taluka malshiras,
Solapur Second Party

Shri V. B. Jadhav, Advocate for First Party
Shri G. H. Kulkarni, Advocate for Second Party

AWARD

(Dictated & Declared on 30-6-2006)

1. The Under Secretary New Delhi in exercise of the powers conferred upon him by Section 39 of the Industrial Disputes Act, 1947 r/w. Section 10(1) and 12(b) of the I.D. Act, referred the duedispute between the above named parties for his reinstatement in Service with continuity of service and full back wages w.e.f. 1-9-1996.

2. After receipt of the notice second party has appeared and filed his statement of claim at Exh. U-3. From 1-1-1984, the second party was working as a daily despositor collector under the Scheme of first party sponsored as Lokmangal Daily Desposit Scheme. He was earning Rs. 4000/- per month as a commission. He used to do the work under the supervision of Branch Manager. He used to maintain the record of form, used to fill up different register, ledger. He was continuously worked with the first party. He was regular depositing the amount collected by the depositors. It is alleged that the second party was not receiving the commission in proper time though he was depositing the money properly in time. Many times he was required to raise advances. The branch at Sripur was runing in Bungalow. He used to help the account holders. It is his contentions that whenever he used to keep the bag in the room. May times the amount used to be missing from his bag. In the month of July, 1996, he had caught hold one Shri Chavan, Peon, while taking out the money from his bag. He has pointed out this fact to the branch Manager. The missing amount was required to be deposited by the second party. The cognizance was not taken against Shri Chavan on the complaint of second party. The second

party has asked to do the enquiry about the collection of the property of Shri Chavan. Its cognizance was also not taken. He has also given the complaint against Shri Chavan. Peon of the branch. It is alleged that on 31-8-1996, the second party was present at Mhalung Gram Panchayat meeting. The branch Manager have asked him to write down a letter dated 31-8-1996, on 1-9-1996 under pressure. From 1-9-1996 the Lokmangal Daily Deposit Scheme was closed. He was intimated that from 9-9-1996, he was terminated from the service. According to the second party that order is illegal. The Lokmangal Scheme was starting by the first party for all the branches not for the Sripur branch. The notice of change u/s. 9A of I.D. Act was not given. From 1-9-1984 to 1-9-1996 he had continuously worked for more than 240 days. The seniority list is not maintained of the daily depositor collector. There is a branch of Section 25, G, H and N of I.D. Act along with Rule 81 of I.D. Rules. The first party has submitted the letter dated 23-2-1998 before the Assistant Commissioner of Labour contending that there was misappropriation of Rs. 1,77,383/- and there is also breach of agreement. No charge sheet was given to the second party nor any departmental enquiry is conducted. According to the second party his family is depending on his income. At present they are suffering from starvation. The second party has prayed to cancel the termination order and prayed for reinstatement in continuity of service with full back wages.

3. The written statement has been filed by the first party at Exh. C-5. The contents of the claim are totally denied. The first party has come before the court that there is no any appointment order given to the second party. Hence there is no relationship of employer and employee. Secondly the second party was one of the representative working under the Lokmangal Scheme. On 26-7-1996 there was an agreement executed by the second party with the first party. It is the choice of the first party to keep open or close the said Lokmangal Deposit Scheme. Relying upon the contents of the agreement first party has submitted that there is no relationship of employer and employee between them. In the month of September, 1996, the first party came to know that there is misappropriation of amount of the depositors by the second party. The first party has collected all information and found that there was misappropriation of the amount of Rs. 1,77,383/. Though it was the duty of the second party to deposit the amount on the depositors account he has used that money for his personal reasons. In view of the terms and conditions of the agreement his services were automatically come to an end. In the year 1996, the first party have closed the Scheme in the interest of depositors. According to the first party in the Civil Appeal No. 3383/1998 the hon'ble Supreme Court, Delhi, has held that the employee of the Lokmangal Scheme are not regular employee. Hence the question does not arises to reinstate the second party in the service. It is the

administrative and managerial decision whether to continue that scheme or not. The question does not arises of the unfair labour practice under these facts and circumstances. Hence first party has prayed to dismiss the reference along with Advocate fee and other charges.

4. On rival contentions of the parties the issues were framed at Exh. O-1 which are as follows :—

<u>Issues</u>	<u>Findings</u>
1. Whether employer and employee relationship exists between the parties?	In the affirmative.
2. Whether second party is workman under section 2(s) of I.D. Act?	In the affirmative.
3. Whether there is an Industrial dispute between the parties?	In the affirmative.
4. Does second party prove that first party has illegally terminated his services	In the negative.
5. Does first party prove that Lokmangal Dainik Theve Yojana is closed permanently and irrevocably w.e.f. 1-9-1996	In the affirmative
6. Is second party entitled to any relief. If yes, what relief?	In the negative.
7. What final award?	As per final award.

REASONS

5. Issue No. 1 to 3 :— The present reference is in order to give award in respect of the Schedule which is as under :—

“Whether the action of the management of Bank of Maharashtra, Sripur Branch in terminating Sh. P. B. Mali, LMD Agent, w.e.f. 1-09-1996 without following the provisions of the section 25 F, of the Industrial Disputes Act, 1947 is justified or not? If not, to what relief the workman is entitled?”

6. The first party appeared and raised the objection about the status of the second party that he is not a workman under section 2(s) of the I.D. Act, 1947. Section 2(s) of the I.D. Act, which is defined as follows :—

“Workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purpose of any proceeding under this Act, in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute.

7. In order to decide the said controversy initially both parties have produced on record the reported ruling of the Hon'ble Supreme Court—

"2001-I-C.L.R., Page-986"

"Indian Bank Association V/s. Workmen of Syndicate Bank and Ors."

In the said reported ruling there was industrial dispute u/s. 7A and 10(1) (d) of I.D. Act, between management of 11 bank and deposit collector to the Industrial Tribunal, Hyderabad for adjudication. Their was demand of the commission agents as the case may be deposit collector employed in the bank for the entitlement for the scale of those bank. The Hon'ble justice have discussed the said point in issue considering the Section 2(m) of the I.D. Act i.e. term wages.

8. Their Lordships held that deposit collector are the workmen coming under the definition u/s 2(s) of the I.D. Act and also it is observed that in view of the Section 2(m) (iv) the commission payable are the wages.

9. In the present proceedings the observations of this reported ruling are applicable and considerable. The second party has come before the court that since the year 1-9-1984 he has been working as a deposit collector and he used to receive Rs. 4000/- per month commission. The following observation of this reported ruling and the second party is working as a deposit collector with the first party hence issue No. 2 is answered in the affirmative holding that the second party is a workman u/s. 2(s) of the I.D. Act. There is also relationship of employer and employee between the first party and the second party. Hence issue No. 1 is answered in the affirmative. The first party is supervising and controlling the work done by the second party. The designation given to the second party as a workman is not deceive. For the consideration of the status of the second party as a workman the evidence has brought on record and which is applicable one.

10. The objection is raised by the first party about the present claim alleging that this is not the industrial dispute. In view of Section 2(k) of the I.D. Act the industrial dispute means any dispute or difference between the employers and employers, or between employers and workmen, or between workmen and workmen which is connected with the employment or non-employment or terms of the employment or with the conditions of the labour, of any person has been defined. The words employment and non-employment in the definition are of widest amplitude and have been put in juxtaposition to make the definition comprehensive. In the present proceeding the status of the second party is considered as a workmen and hence dispute raised by him about his work with the first party is called as industrial dispute. Hence I have answered issued No. 3 in the affirmative.

11. Issue No. 4 and 5:— The first party has come before the court that since 1-9-1984 he was working as a deposit collector with them. On 1-9-1996, the Lokmangal daily deposit scheme was closed. It was intimated to him that he has been terminated from the service w.e.f. 9-9-1996. The second party has lead his oral evidence alleging that he is a workman and the said termination order is illegal. There is no notice given to him u/s. 9A of I.D. Act also not there is agreement executed. It is the contention of the second party that prior to the closing of the said scheme the notice was required to be given to him. One month's pay was not given to him. Even though he has continuously worked for more than 240 days nor any compensation amount is given to him. The second party is claiming the seniority list and also the attendance register.

12. On perusal of the pleading in the statement of claim and oral evidence the second party has made allegations of termination is illegal without following the provisions of Section 25F of I.D. Act and also illegal change u/s. 9A of the said Act. In the cross examination the second party has admitted the agreement executed between himself and the management which is dated 26-7-1996 the first party has come before the court that during July, 1996 to 31-8-1996 though the second party has pleaded deposits amount of Rs. 1,77,383 he has not deposited with the bank and i.e. the ground to close the said Lokmangal daily deposit scheme. The first party has lead the evidence by examining Ramchandra Lendve the Manager of first party bank. In the cross examination the suggestions were given that the second party has worked as deposit collector since 1-9-1984 to 31-8-1996. Prior to the termination there is no charge sheet given to him. Admittedly there is no departmental enquiry. The manager has stated that it is not necessary to do the departmental enquiry of the second party. The witness could not produce any documentary evidence about out the closure of the said Lokmangal daily deposit scheme as on 1-9-1996. Further suggestion was given that the second party was working as a bank employee.

13. On record the xerox copy of the agreement dated 26-7-1996 is produced alongwith Exh. C-8 which is enclosed alongwith the account extract. In view of the recorded evidence as the second party has admitted in the cross about execution of the agreement dated 26-7-1996. It is marked as Article-A. The application given by the second party as on 31-8-1996, 1-9-1996 5-9-1996, 9-9-1996, again 9-9-1996, 9-9-1996 and 21-11-1996 are produced along with Exh. C-14/1 to 7. Its xerox copies were produced on record by the first party alongwith Exh. C-6/4 to 9. They were referred in the cross examination of the second party. On perusal of these applications at Sr. No. 1 to 7 of Exh. C-14 which shows that they are not having any endorsement of the bank when they have received by them. The arguments were submitted by Adv. V. B. Jadhav, that court can compare the signature on the Vakalatnama and on the application of the second party in view of the provisions

of Section 73 of Evidence Act. In the present proceeding I am of the considerate view that second party is admitting the execution of the agreement dated 26-7-1996 though he has been considered as workmen and his commission are the wages in view of the observations of the Hon'ble Apex Court in the above reported ruling, he is not regular employee being deposit collector under the Lokmangal daily deposit scheme. He used to collect the money and deposit the same in the bank by next day. Though he is doing clerical work in the bank, about writing the account in the register and pass book, he is not a regular employee of the bank. The deposit collector nevertheless are the workers within the meaning of the term as defined in the Industrial Disputes Act.

14. The first party has introduced Lokmangal daily deposit scheme because bank wants to encourage the common man to make small and regular deposit. As a result of such scheme the number of depositors have become much large. The first party has continued the said scheme from the year 1984 upto the year 1996 as they might have found remunerative in terms of the condition of the agreement the second party is not entitled to claim any relief against bank though he is denying the allegations of misappropriation. The bank running in the interest of the public have taken the decision to close the said scheme for the wrong activities of the second party. As he is not regular employee question does not arise of following provisions of Sections 25F, 25G and 25H of I.D. Act. It is totally different work of the second party than the regular employee. Hence I am of the view that admittedly the closure of Lokmangal daily deposit scheme is right of the first party to close at any time. If they do not feel to continue if it is in the interest of the bank and also in the interest of depositors. The question of termination does not arise. The issue No. 4 does not survive as the second party is not having status of regular employee of the first party. As the first party has come before the court that the activities of the second party are breach of admitted agreement, second party has no locus standi to claim the relief of declaration of illegal termination as well as closure of the Lokmangal daily deposit scheme. The evidence given on record by the Manager that they have closed the said scheme. In the agreement Para No. 5 the contents are as follows:—

“The A.R. agrees that he will be acting as the Authorised Representative under the said Scheme only and that he is not regular employee of the Bank, and he will not claim any benefit available to the employee of the Bank.”

15. The proviso is there that in case of breach of any of the condition of the agreement by the authorised representative of the bank Para no. 7:—

“Provided that in case of any breach of any of the conditions of this agreement by the A. R. The Bank shall be entitled to terminate and suspend the contract immediately without giving any prior notice.”

16. In the present case the bank who have closed the said scheme for allegations of misappropriation of the deposited amount. Admittedly reply given by the second party in the cross examination in Para No. 12 that he is admitting the letter dated 9-9-1996. Its xerox copy is produced along with Exh. C-6/6 and its original copy is produced along with Exh. C-14/5. As I have already mentioned above that there is no endorsement of the bank on the said letter but as the second party has admitted in the cross examination, in Para No. 12 that letter dated 1-9-1996 is in his hand writing and also the letter dated 9-9-1996 is also in his hand writing. The said admission itself shows that this is the reason for the closure of the said scheme. Hence I hold that the first party has proved the said closure from 1-9-1996 permanently and hence issue No. 4 is answered in the negative holding that the second party has failed to prove that his termination is illegal. According to me the illegality of the termination does not survive as the scheme was closed. Hence issue No. 5 is answered in the affirmative.

15. As the second party has failed to prove his claim he is not entitled to get the relief of declaration that the action of the management of Sripur Branch justified to terminate the services of second party from 1-9-1996. Hence issue No. 6 is answered in the negative. In the result I proceed to pass the following award.

AWARD

1. The reference is dismissed.
2. No order as to costs.
3. Award accordingly.
4. Informed to the Government.

SOU. SUCHITRA S. GHODKE, Presiding Officer

Place : Solapur

Dated : 30-6-2006

नई दिल्ली, 24 अगस्त, 2006

का.आ 3729.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण /श्रम न्यायालय कोलकाता के पंचाट (संदर्भ संख्या 45/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2006 को प्राप्त हुआ था।

[स. एल-12011/198/2003-आई आर(बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 24th August, 2006

S.O. 3729.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 45/2003)

of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata as shown in the Annexure in the Industrial Dispute between the management of UCO Bank and their workmen, received by the Central Government on 23-8-2006.

[No. L-12011/198/2003-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT KOLKATA**

Reference No. 45 of 2003

PARTIES : Employers in relation to the management of UCO Bank

AND

Their workmen

PRESENT :

Mr. Justice C. P. Mishra, Presiding Officer

APPEARANCE

On behalf of the Management : Mr. A. K. Das,
Advocate

On behalf of the Workmen : S. De, Advocate

State : West Bengal Industry : Banking

Dated 17th July, 2006

AWARD

By Order No. L-12011/195/2003-IR-(B-II) dated 28-11-2003 the Central Government in exercise of its powers under Section 10(1) (d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of UCO Bank, 10, Biplobi Troilakya Maharaj Sarani (Braboume Road), Kolkata-700001 by not regularising the services of 42 Drivers (as per list annexed) at the Bank’s service who are driving Bank’s Car since 1989 is justified? If not, what relief the workmen concerned are entitled to?”

List of Workmen

Sl. No.	Name
1	2
1.	Lalan Singh
2.	Budhiram Tiwari
3.	Ramdayal Singh
4.	Satish Mondal
5.	Bimal Dutta
6.	Ajit Sadhukhan

1	2
7.	Md. Ania
8.	Bhuneswar Yadav
9.	Kalipada Das
10.	Ranjeet Singh
11.	Sanjeev Dey
12.	Bharat Lal Rai
13.	Shew Pujan Singh
14.	Sashi Bhusan Singh
15.	Rabin Kumar Barde
16.	Samar Chakraborty
17.	Babu Ram Rai
18.	Ramesh Singh
19.	Dipak Kr. Singh
20.	Chandra Shekhar Ram
21.	Chandeswar Mahato
22.	Madan Jha
23.	Udit Kr. Damani
24.	Ganesh Dey
25.	Sukumar Naskar
26.	Narad Singh
27.	Ranjeet Chetri
28.	Bijoy Kumar Singh
29.	Narayan Dey
30.	Lalan Pathak
31.	Sambhunath Roy
32.	Guddu Jha
33.	Sanjay Kr. Shaw
34.	Rajesh Chowdhury
35.	Mohan Dutta
36.	Abhay Kr. Sahoo
37.	Ramesh Prasad Singh
38.	Pratap Bahura
39.	Pajandra Mahato
40.	Sanjay Kr. Singh
41.	Krishnamohan Jha
42.	Pradeep Bahura

2. When the case is called out today, Advocates for both the parties state that the dispute under reference has

been settled between the parties out of Court and they do not want to proceed further in the matter. Both the parties accordingly pray for passing a "No Dispute" Award in the matter. They point out to the application dated 16-2-2006 filed by the union in this regard wherein the management has also endorsed its no objection thereon. They also referred out to the order dated 10-2-2006 passed by the Hon'ble Calcutta high Court in W.P. No. 1385 of 2004, a xerox copy of which has already been filed alongwith the aforesaid application whereby the stay order in this matter has already been vacated and the Tribunal had to proceed further in this regard.

3. It appears from the order dated 10-6-2006 passed by the Hon'ble Calcutta High Court in W.P. No. 1385 of 2004 that if any application is so made for withdrawal of the present reference, the Tribunal is free to consider the same and may pass appropriate order in spite of pendency of the said writ petition.

4. In the circumstance, since the parties to the dispute have come to terms and they are no longer interested to proceed further in the matter and want this Tribunal to dispose of the same by a "No Dispute" Award and as such a "No Dispute" Award is passed and the present reference is disposed of accordingly.

This is my Award.

Kolkata,

Dated : the 17th July, 2006

C. P. MISHRA, Presiding Officer

नई दिल्ली, 24 अगस्त, 2006

का.आ. 3730.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पटना के पंचाट [संदर्भ संख्या 15(C)/2003] को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2006 को प्राप्त हुआ था।

[सं. एल-12011/56/2002-आई आर(बी. II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 24th August, 2006

S.O. 3730.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 15(C)/2003] of the Industrial Tribunal, Patna (Bihar) as shown in the Annexure in the Industrial Dispute between the management of UCO Bank and their workmen, received by the Central Government on 23-8-2006.

[No. L-12011/56/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER,

INDUSTRIAL TRIBUNAL, PATNA

Reference Case No. 15(C) of 2003

Management of UCO Bank, Regional Office, Jail Road, Bhagalpur (Bihar) and their workman Sri Ashok Kumar Thakur represented by the State Secretary, UCO Bank Employees Association, UCO Bank, Exhibition Road, Patna.

For the Management : Mr. P. K. Chatterjee, A. C. O.

For the Workman : Sri B. Prasad, State Secretary, UCO Bank Employees Association.

PRESENT : V. RAM, Presiding Officer, Industrial Tribunal, Patna.

AWARD

Patna, dated the 17th July, 2006

By adjudication Order No. L-12011/56/2002-IR(B-II) dated 28-6-2002, the Government of India, Ministry of Labour, New Delhi has referred under Clause (d) of Sub-section (1) and Sub-section (2K) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter to be referred to as 'the Act'), the following dispute between the management of UCO Bank, Regional Office, Jail Road, Bhagalpur (Bihar) and their workman Sri Ashok Kumar Thakur, represented by the state Secretary, UCO Bank Employees Association, Exhibition Road, Patna for adjudication to this Tribunal on the following :

"Whether the action of the management of UCO Bank in awarding punishment of reduction in the scale of pay by on stage to Sri Ashok Kumar Thakur, Clerk-cum-Assistant cashier of Sabour Branch *vide* order dated 28-2-2001 is legal and justified? If so, what relief he is entitled to?"

2. Both the parties filed written statement in this reference. Further date was fixed by this Tribunal for filing list of witnesses and documents by both the parties. Several dates passed, but no action taken by the workman.

3. In the meantime workman filed a petition stating therein that the dispute rebates to stoppage of one increment. The increment has been restored and there is no cause of action as on date and further submits for passing a "No Dispute Award" in the above reference. Other side has no objection.

4. It is accordingly ordered that no dispute exists between the parties in relation to the reference.

5. In the result, I hereby pass a "No Dispute Award"

6. This is my Award.

Date : 17-8-2006

V. RAM, Presiding Officer

नई दिल्ली, 24 अगस्त, 2006

का.आ. 3731.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा एयर इंडिया लि. के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली-II के पंचाट (संदर्भ संख्या 230/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2006 को प्राप्त हुआ था।

[सं. एल-11012/35/99-आई आर(सी. I)]
एस. एस. गुप्ता, अवर सचिव

New Delhi, the 24th August, 2006

S.O. 3731.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 230/99) of the Central Government Industrial Tribunal/Labour Court, New Delhi-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Air India Ltd. and their workman, which was received by the Central Government on 23-8-2006.

[No. L-11012/35/99-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR, NEW DELHI

PRESIDING OFFICER : R.N.RAI I.D. No.230/1999

In the matter of :

Shri Maya Ram Semwal, S/O Shri Basbo Nand,
R/o House No. WZ-686-E/1A, Raj Nagar, Palam Colony,
New Delhi - 45.

Versus

1. The Personal Manager
M/s. Air India Ltd.
Indira Gandhi International Airport,
Air India Complex, Gurgaon Road, New Delhi.
2. The Chairman Air India Ltd.
Nariman Point, Mumbai.
3. The General Manager,
M/s. Chef Air,
Indira Gandhi International Airport,
Centaur Hotel, Gurgaon Road,
New Delhi.
4. The Managing Director,
Hotel Corporation of India Ltd.
5th Floor, Centaur Hotel ,
Bombay -57.

AWARD

The Ministry of Labour by its letter No. L-11012/35/99-IR (C-I) Central Government dt. 19/11/1999 has referred

the following point for adjudication. The point runs as hereunder:

1. "Whether the appointment given to Shri Maya Ram Semwal, Asstt. Confectioner for 40 days 30 times during the year 1987 to 1995 by the Respondent No. 3 of Chef Air Flight Catering amounts to unfair labour practice? If so, to what effect?"
2. "Whether the action of the Respondent No.3 in terminating the services of Shri Maya Ram Semwal w.e.f. 5-2-1995 is legal and justified? If not, to what relief the workman is entitled?"

The workman applicant has filed claim statement in the claim statement it has been stated that the claimant above named most respectfully submit as under:

That the claimant was employed with the respondents at the Airport division of the respondent's at the IGI Airport New Delhi on temporary basis as an assistant confectioner. He was allotted staff number 81879-(Temp.). The claimant was also issued ESI Card. The claimant is working in the Flight Kitchens of the respondent Nos. 1 and 2 which are handled by the respondents No. 3 and 4.

That the Respondent No.1 is a Unit of the respondent No.2, which is a wholly owned subsidiary of Air India Ltd. that the claimant was working in the flight kitchen of the respondents since 1987. That the claimant is issued passes for a period of 40 days each and a break of 10 days. The said pass is taken back at the time of payment of the salary for the said 40 days. However, all those appointment letters available with the claimant are annexed herewith as Annexure 'A' Colly, the petitioner has completed more than 240 dyas in a year.

That the policy adopted by the respondents by which temporary appointment letters of 40 days duration with a break of 10 days of 40 days is purnicious and against the provisions of the Industrial Disputes Act and also opposed to the principles of natural justice and fair play. The same amounts to unfair labour practices resorted to by the respondents.

That the policy of discriminating the claimant against the regular employees performing similar and identical work is contrary to Articles 14, 21 and 301 of the Constitution of India. Further, the policy of the respondents in keeping the claimant on temporary basis for jobs of perennial and permanent nature and continuing them for long spells is contrary to the provisions of law and the principles of natural justice. The action of the respondents in denying the claimant equal pay for equal work and in not regularising the claimant on the said post on which he is working abridges the provisions of the Industrial Disputes Act.

That the respondents have terminated the services of the petitioner illegally and arbitrarily without any reasons whatsoever. The respondents have further not followed

the conditions precedent to retrenchment as detailed in Sections 25-F, 25-G, 25-H of the Act.

The Management has filed written statement. In the written statement it has been stated that at the outset it is most respectfully submitted that the present claim of the workman is misconceived. It is submitted that there is no dispute that the claimant/workman was engaged by the Respondent No. 3 on a purely temporary basis as Assistant Confectioner from time to time depending upon the requirements. The Respondent No. 3 i.e. Chef Air Flight Catering, Delhi is one of the Units of Respondent No. 4 i.e. Hotel Corporation of India Limited. The Respondent No. 4 i.e. the Hotel Corporation of India Limited, though a wholly owned subsidiary of Respondent Nos. 1 & 2 i.e. Air India Limited, is a separate company registered under the Companies Act, 1965. The appropriate Government in respect of Chef Air Flight Catering i.e. the Respondent No. 3 is the State Government under Section 2(a) of Industrial Disputes Act. As already stated above that since the claimant/workman was being engaged on temporary basis from time to time by the Respondent No. 3, i.e. Chef Air Flight Catering-Delhi, this Hon'ble Industrial Tribunal has no jurisdiction to entertain the present claim of the workman. Thus, the present reference made by the Labour Ministry, Govt. of India, is bad in law. Without prejudice to the above, it is submitted that the present claim of the Claimant workman is vague and misconceived. The claimant/workman has tried to mislead this Hon'ble Industrial Tribunal by twisting the facts. The real facts have been explained above.

It is submitted that the claimant has never raised any demand with the answering respondents for regularization of his services as he was fully aware of the fact that he is being engaged on temporary basis for a specific period of 40 days due to exigencies of work on the expiry of which he will be ceased to be in the temporary employment of the respondents. Hence, it is respectfully submitted that the present claim of the workman is liable to be dismissed. It is also submitted that the present claim of the claimant/workman is liable to be rejected/dismissed against the answering Respondent No. 3 & 4 as the claimant has not sought regularization of his services with the answering respondents Nos. 2 & 3 but has sought the regularization of his services with the Respondent Nos. 1 & 2. It is further submitted that the Respondent No. 3 is incurring losses as a result of which it had to close down its two outlets during 1993 and some of the permanent workers on the rolls rendered surplus due to said closure, were to be accommodated. Hence the answering respondents did not require the services of temporaries/casuals, including the claimant, as there did not exist any work for them.

Without prejudice to the above the parawise reply to the statement of claim filed by the claimant/workman is given hereunder :

2733G/106-17

In regard to the contents of para 1 of the statement of claim, it is submitted that the workman Shri Maya Ram Semwal was engaged by the Respondent No. 3 on a purely temporary basis as Assistant Confectioner from time to time for the specific periods of 40 days due to exigencies of work and was allotted staff number 81879 for the sake of identification. It is admitted that the claimant was issued with ESI cards during the course of engagement and deductions were made towards ESI contribution in accordance with statutory requirements. However, it is denied that the Flight kitchen in which the workman was engaged on temporary basis from time to time was of the Respondent No. 1 & 2. It is respectfully submitted that the Respondent No. 3, i.e. Chef, Air Flight Catering Delhi is one of the units of the Respondents No. 4 i.e. Hotel Corporation of India Limited and the Respondent No. 4 though, a wholly owned subsidiary of Air India having majority of shares, is a separate entity/company registered under the Companies Act, 1956.

The contents of para 2 of the Statement of Claim are wrong, therefore, denied. It is absolutely incorrect that the workman was working with the Respondent No. 3 since 1987. It is submitted that the workman was first engaged on temporary basis for a period of 40 days as Assistant Confectioner from 27th April, 1989 to 5th June, 1989. It is correct that the workman claimant was issued with the passes as and when he was engaged on temporary basis for a period of 40 days. It is further denied that the said passes were taken back at the time of payment of the salaries for the said 40 days employment. The issue of temporary appointment letters to the workman from time to time has been annexed with the statement of claim are matter of record and the Respondents/Management relies on its records. It is submitted that the claimant/workman had never completed 240 days continuous with the service respondent/management in a year.

The contents of para 3 of the statement of claim are wrong and denied. As already stated above, the claimant Shri Maya Ram Semwal was engaged on a purely temporary basis as Assistant Confectioner from time to time for specific periods of 40 days depending upon the requirement as per the written requests/applications made by him to the Respondent/Management. Each time he was issued with appointment letter containing certain terms and conditions which were duly accepted by him. Therefore, the question of giving and/or causing any break in service of the claimant and adopting of any unfair labour practice on the part of the answering respondent, as alleged, does not arise at all. It is submitted that the nature of the business of the Respondent No. 3, i.e. Chef Air Flight Catering is to provide/render catering services on the flights of various Airlines on contract basis for a particular period on the expiry of which it is not sure that the same contract will again be awarded to it. Therefore, the workload of the Respondent No. 3, i.e. Chef Air Flight Catering is variable

and from time to time to meet the additional periodic workload, such as catering/handling of Haj Flights and other VIP/VVIP Chartered Flights assigned to it, it has to deploy staff on temporary/casual for limited/specified periods, on requests.

The contents of para 4 of the Statement of claim are also wrong and denied. It is submitted that the claimant/ workman was being engaged on a purely temporary basis from to time for specific periods due to exigencies of work of occasional natures. Hence, the workman has no vested right at all to claim parity with regular employees and/or to claim regularization of his services with the Respondent/ Management. It is denied that the workman was performing similar and identical work as performed by the regular employees of the Respondent/Management and the work being performed by him was of permanent and perennial in nature. The workman was being similar wages as is being paid to other workmen engaged on temporary basis as per the rules of the Respondent/Management. It is submitted that the action of the Respondent/Management is not at all contrary to the relevant provisions of the Constitution of India.

The contents of para 5 of the statement of claim is also wrong and denied. It is submitted that the Answering Respondent has never terminated the services of the claimant. As already stated above that the claimant was being engaged on a purely temporary basis from time to time for specific periods due to exigencies of work of occasional natures on his requests. Each time he was being issued with an appointment letter containing certain terms and conditions which were duly accepted by him. On the expiry of the specific period of temporary appointment, he was ceased automatically to be in the employment of the Respondent/Management. Hence, the question of termination of his services without any reason on the part of the Management did not arise at all. Further as already stated above, the Respondents No.3 is incurring financial losses due to not getting of sufficient catering contracts from Airlines for the last about 10/12 years. Due to incurring financial losses it was compelled to close down its two out-lets namely Restaurant & Snack Bar Counters. Consequently there was no requirement of temporaries. Moreover the claimant also did not contact for further appointment on temporary basis. In view of above, the question of giving the claimant any retrenchment benefit as well as the violation of any section of the Industrial Dispute Act, as alleged, does not arise at all. It is submitted that the claimant has no right or authority to claim regularization in the services of the Respondent as the work performed by him was essentially of temporary/ occasional nature depending upon the contingency of the work and for a particular period only.

The prayer clause of the claimant are without any basis and misconceived and it is submitted that this Hon'ble Tribunal may kindly be pleased to reject the same in view of the factual position explained above.

It is, therefore, prayed that this Hon'ble Tribunal may kindly be pleased to reject the claim of the claimant against the Answering Respondents and may pass any other order which it may deem fit and proper in the interest of the justice. It is prayed accordingly.

From perusal of the pleadings of the parties the following points arise for termination :—

1. Whether the workman has performed duties for 240 days in the year 1987 to 1995 (14-02-1995) ?
2. Whether the appropriate government is State Government or the Central Government ?
3. Whether the workman was given appointment of Assistant Confectioner on the basis of need ?
4. Whether the respondents have committed unfair labour practice in giving 40 days appointment from the year 1989 to 1995 ?
5. Whether the workman deserves to be regularised or reinstated with back wages ?

Point No.1. It was submitted from the side of the workman that the management has admitted that Identity Cards are issued to the workers of the management. It has been denied that for issuing the next pass first one is deposited. On deposition of the first one 2nd one is normally issued as no first Identity Card continues. There is no need of issuing 2nd identity Card. The workman has filed Identity Card which was valid up to 03-05-1986. It was issued on 25-04-1986. This Card bears the seal and signature of the Security Officer, International Indira Gandhi Airport.

The workman has filed original Identity Card which was issued on 09.09.1988. This Card also bears the original seal and signature of the department. He has filed other Identity Cards also but the management has admitted that he was given tenure appointment in the month of April, 1989. The authenticity of the Identity Cards issued by the management has not been challenged. The management has not denied that the Identity Cards referred to above have not been issued by the management. These Identity Cards establish the fact that the identity of the workman was to be checked for security purposes, so he has been issued Identity Cards by the competent authority. The workman has not filed any appointment letter for the period of 1986, 1987 and 1988 but these Identity Cards substantially prove the fact that services of the workman was required in 1986, 1987 and 1988, so he was issued Identity Card.

It was submitted from the side of the workman that thereafter letters of fixed term appointments were issued to him. The workman has been issued 30 appointment letters from 26-04-1989 to 14-02-1995. These appointment letters are admitted by the management. The appointment letters proves the fact that the workman has worked continuously from 26-04-1989 to 14-02-1995. However, these appointment letters have been issued after a definite gap of 10 days.

These breaks of 10 days are deliberate breaks in order to deprive the workman of the benefits of a regular appointee or a permanent appointee. In view of the provisions of the ID Act notional breaks are not to be considered a break in service. In view of provisions of ID Act the artificial breaks given deliberately to avoid continuance of service have no importance. The workman is held to be serving the management from 26-04-1989 to 14-02-1995 continuously.

It was further submitted that in case regularities are not assigned to such tenure of service, unscrupulous management will go on issuing fixed term/tenure appointment for the entire service period. This of course is not the intention of legislatures in enacting the ID Act. From perusal of the document on record it is established to the hilt that the workman has worked continuously from 31-03-1986 to 14-02-1995 i.e. a long tenure of 8 years. Section 25 of the ID Act stipulates that in case the work is of existing and continuous nature and the workman has performed 240 days continuous work he is entitled to one month's notice or pay in lieu of notice and retrenchment compensation calculated @ 15 days for one year completed service. Even it has been held by the Hon'ble Apex Court in a catena of cases that if compensation in terms of Section 25 is not paid there is no cessation of service and the workman continues in service in the eye of law. Section 25F has been enacted by the legislatures with a view to curbing the tendency of engagement of casuals and badlis again and again. It has been admitted by the management that 30 fixed term appointments have been given to the workman and the Identity Card issued to him on 31-03-1986 and 09-09-1988 have not been disputed. It is the case of the workman that he has been working as Assistant Confectioner since 1987. From perusal of the records it becomes quite obvious that the workman has proved by cogent documentary as well as oral evidence that he has discharged duties atleast from 1987 to 14-02-1995 continuously and the breaks if any are notional and they are not to be considered for holding continuous service. The workman has been removed without retrenchment compensation, so Section 25 F of the ID Act is attracted. So far as continuous service is concerned Section 25 B of the ID Act defines continuous service as under :—

"A workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman."

In case there is cessation of work which is not due to any fault on the part of the workman he shall be deemed to be in continuous service. In the instant case 40 days appointment letters have been issued and all the appointment letters have been issued after a gap of 10 days. It is not the case of the management that the cessation

of service was due to the willingness of the workman. The workman was always ready to work. The management has given this artificial and deliberate break with malafide intention of depriving the workman of the benefits of a permanent employee. It has been held in 1982 (44) FLR 406 as under :

"Where the workman is in service for a large number of years but did not work for 240 days in some years its fact cannot be taken to disqualify him from claiming the amount of retrenchment as provided by Section 25 F."

This workman has worked from 1986 to 1995 for long 10 years. He has been given fixed term appointments from April 1989 to February 1995. The break is not due to any fault on the part of the workman. So his services should be deemed to be continuous and he is entitled to retrenchment compensation. It has been held in 1985 (50) FLR Page 111 that in case the services of the workman is interrupted and such services have not been interrupted on account of the fault of the workman, he shall be deemed to be in continuous service.

The workman has worked continuously from 1987 to February, 1995. This point is decided accordingly.

Point No. 2. It was submitted from the side of the management that this Tribunal/Court lacks jurisdiction as the appropriate government is the State Government and the Unit in which the workman was working is a Unit governed by Delhi State, so the matter should have been referred to the Labour Court. Section 2(a) of the ID Act defines appropriate government. The definition runs as hereunder :—

2(a). "appropriate government" means in relation to any industrial dispute concerning 3[888] any industry carried on by or under the authority of the Central Government, 4[***] or by a railway company 5 [or concerning any such controlled industry as may be specified in this behalf by the Central Government] 6[***] or in relation to an industrial dispute concerning 7[8[9[10[a Dock Labour Board established under section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948)], or the 11 [the Industrial Finance Corporation of Indian Limited formed any registered under the Companies Act, 1956], or the Employees' State Insurance Corporation established under section 3 of the Employees' State Insurance Act, 1948 (34 of 1948), or the Board of Trustees constituted under section 3A of the Coal Mines provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under section 5A and Section 5B, respectively, of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), [***]¹, or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or ⁵[the Oil & Natural Gas Corporation Limited

registered under the Companies Act, 1956]³, or the Deposit Insurance and Credit Guarantee Corporation established under Section 3 of the Deposit Insurance Central Warehousing Corporation established under Section 3 of the Warehousing Corporation Act, 1962 (58 of 1962), or the Unit Trust of India established under Section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporation of India established under Section 3, or a Board of Management established for two or more contiguous States under Section 16 of the Food Corporation Act, 1964 (37 of 1964), or³ [the Airports Authority of India constituted under section 3 of the Airports Authority of India Act, 1994]³, or a Regional Rural Bank established under Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Corporation of India Limited,] 4[the National Housing Bank Act, 1987 (53 of 1987)⁴, or the Banking Service Commission established under Section 3 of the Banking Service Commission Act, 1975 or⁵ [an air transport service, or a banking or an insurance company], a mine, an oil-field,] 6[a Cantonment Board,] or a major port, the Central Government, and]⁷.

(ii). In relation to any other industrial dispute, the State Government;

It becomes quite obvious from the definition that any establishment belonging to or under the control of the Central Government and in establishment having departments or branches in more than one State, the Central Government would be the appropriate Government. The management has filed a list of meal, upliftment on flights issued by Indian Airlines Limited to the GM, M/s. Chef Air Flight Kitchen, Gurgaon Road, New Delhi and the details of the uplifting of food articles have been mentioned in this letter. This proves the fact that Catering Section is one of the units of the Indian Airlines Limited so this Unit is governed by the Indian Airlines Limited.

The workman has filed letters dated 15-05-1998 which has brought into effect New Catering Services from the date of issue. This letter has been issued by the Indian Airlines Limited. The workman has filed letter of J.R. Jagatta, GM, Chief Air and it has been mentioned that replacement of currently employed workman in Restaurant and Snack are to be adjudicated in other seats or sections of the Flight Kitchen. This letter indicates that the currently employed staff is to be adjusted in the other seats and sections of the Flight Kitchen. But this workman was working since 1986 he was not currently employed. The workman has filed letter of Hotel Corporation of India Limited. A direction has been issued in this letter that the fresh engagement should be intimated to the management with full justification at the same time indicating the number of posts in the particular cadre. The Hotel Corporation of India is a establishment governed by the Central Government. It is a unit of Indian Airlines Limited, so the respondent No. 3 & 4 are working in collaboration with the respondent No. 1 &

2. Respondent No.1 and 2 have the entire control over Respondent No.3 and 4 and all the respondents are undertaking of the Central Government. They are controlled by the Central Government. Letter dated 24-01-1991 bans fresh recruitment by the order of Director (Admn.) Copy of this letter has been issued to Director (Fin.), Director (Tech.), Director (Vig.) and Sr. Manager, Sales Marketing, HCI. So Flight Kitchen are the units of Air India and Indian Airlines and they are the instrumentality of the Central Government. They run under the authority of the Central Government. So Chief Air is an undertaking of Central Government.

It was further submitted from the side of the workman that the Director (Admn.), Chef Air, Delhi has issued letter dated 13-01-1989 for reducing the requirement of staff and removing all the temporary and casual staff employed at CFCD. The workman was working since 1987 and there was a letter for reducing staff strength by GM. So thereafter the workman has been issued 30 fixed term appointments. In case his services were not required he should have been dis-continued on 13-01-1989 after payment of retrenchment compensation but it appears that the services of this workman were required even after 13-01-1989 so the respondents started giving him fixed term appointments. Letter dated 06-04-1988 puts a complete ban on fresh recruitment in all the departments and units with immediate effect but still the workman was continued. The management should have discontinued the workman but it has not been done so and the mandatory provision of Section 25 F has not been complied with. These letters prove effectively that Chief Air is an undertaking of the Central Government. It is controlled by the Central Government and it is run under the authority of the Central Government so in view of the judgment of the Hon'ble Apex Court in Steel Authority of India the appropriate Government is the Central Government. This point is decided accordingly.

Point No. 3. It was submitted from the side of the management that whenever there is increase of work, adhoc appointments are given and the appointments of the workman are need based. The workman has filed photocopy of the list of employees. His name appears at serial No.26 whereas the list consists of 40 workmen. This list pertains to 1992, 1993 and 1994. Out of 40 workmen engaged the name of this workman figures at serial No.26. If some flights were curtailed he can validly be given retrenchment but he should have been paid retrenchment compensation and pay in lieu of notice. It is admitted fact that the management has not done so. The workman has been working since 1987 and he has worked up to 14-02-1995. It cannot be presumed that for such a long term, respondents have given need based appointments. In case it is assumed that the appointment was need based in that case also proper and valid retrenchment cannot be effected without payment of retrenchment compensation. The ID Act is a beneficial provision and in case

retrenchment is given in breach of provisions of the ID Act retrenchment becomes absolutely illegal and termination of service cannot be effected by illegal retrenchment. The workman was not given appointment on basis of need. Needs are always occasional and temporary. It is not the case of the management that there was need of casual labour or temporary employee for long 8 years. If such need is assumed there would be no need of making permanent appointments. The entire appointments shall be considered need based. The contention of the management are not sustainable and the Labour Court cannot continuance such unfair labour practices. The appointment of the workman was not need based. This point is decided accordingly.

Point No. 4. It was submitted from the side of the workman that the Vth Schedule of the ID Act enumerates the cases of unfair labour practices. Item 10 of the Vth Schedule runs as hereunder :

“to employee workmen as badlis, casuals or temporaries and to continue them as such for years with the object of depriving them of the status and privileges of permanent workmen.”

In view of this provision in case badlis, casuals and temporaries are engaged again and again and they are continued for several years such practice amounts to unfair labour practice. In the instant case the workman was engaged in 1986, 1987 and 1988 without any appointment letter. Thereafter he was given 30 appointment letters of temporary employee. In all the letters he has been designated as a temporary employee. The appointment letters themselves establish the fact that the respondents have given 30 temporary appointments to the workman for long years of 1989, 1990, 1991, 1992, 1993, 1994 and up to 14-02-1995. These appointment letters alone establish that the respondents have committed unfair labour practice and they have acted in breach of provisions of the ID Act. This issue is decided accordingly.

Point No. 5. It was submitted from the side of the management that the Hon'ble Apex Court in 2006 (4) Scale has put down a complete ban of regularisation and reinstatement. The Hon'ble Apex Court has held that employment can only be made on the basis of procedure established in that behalf envisaged by the Constitution. Equality of opportunity is the hallmark and the Constitution enshrines affirmative action to ensure that unequals are not treated equals. So public employment should be in terms of constitutional scheme.

It was further submitted that the Constitution Bench Judgment has afforded a right according to which the government is not precluded from making temporary appointments or engaging workers on daily wages.

The Hon'ble Apex Court has not declared the provision of the ID Act un-constitutional. The Government has got no license to make always appointment of daily

wagers and to continue them for life time. Fixed term tenure appointments and temporary appointments cannot be the rule of public employment. At the time of making temporary appointments Articles 14, 16, 21, 23, 226 and 309 are enfringed. There is no constitutional mandate that the government is at liberty to go on giving fixed term appointments for the entire tenure of service of an employee. No such Article of the Constitution has been pointed out under which the Government or Public Sector units can continue incessantly to give temporary and fixed term appointments again and again. Since fixed term appointments and temporary appointments are not governed by any constitutional scheme, such a discrimination will amount to vicious discrimination. The Government of Public Sector unit will go on resorting to the method pick and choose policy and give temporary and ad hoc appointments to their favourites and thus the principles of equality enshrined in the constitution will be given a go bye. Such is not the intent of the Hon'ble Apex Court. However, in this judgment the provision of the ID Act governing the services of the workman have not been declared un-constitutional. Reinstatement is the remedy provided in the ID Act for breach of the several provisions enumerated therein or for breach of service rules provided in various labour welfare legislations.

Section 11 A of the ID Act stipulates that in case the Tribunal is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstance of the mase may require. According to this benign provision the labour court has the authority to set aside the order of discharge or dismissal and reinstate the workman on the terms and conditions as it thinks fit.

The Hon'ble Apex Court in 2006 (4) Scale has not abolished or annulled Section 11 A of the ID Act and the legislature has authorised this Tribunal to set aside dismissal or discharge on its consideration and direct reinstatement. The judgment cited by the management is not applicable in the facts and circumstances of the case.

It was further submitted that payment of full back wages is not the natural consequence of the order of discharge or dismissal being set aside. It has been held in (2003) 6 SCC 141 that it is incumbent upon the labour court to decide the quantum of back wages. In the instant case the matter involved was a case of theft of large quantity of Aluminium Wire. Departmental inquiry was not conducted in accordance with the principles of natural justice so dismissal was found bad. In such circumstance the Hon'ble Apex Court held that the order for payment of full back wages was not justified if termination is set aside. In PGI Vs. Raj Kumar (2001) 2 SCC 54 the Hon'ble Apex Court

upheld the 60% award of back wages of the Tribunal.

It has been further held in this case that payment of back wages having discretionary element involved it is to be dealt with the facts and circumstances of the case. No definite formula can be evolved.

It has been further held in this case that payment of back wages in its entirety is the statutory sanction. In (2003) 4 SCC 27 the Hon'ble Apex Court held that in view of delay in raising the dispute and initiating the proceedings back wages need not be allowed. In the instant case there is no delay at least on the part of the workman in raising the dispute.

In 2004 VIII AD SC 444 the Hon'ble Apex Court upheld the order of reinstatement with 25% back wages.

In 1978 Lab IC 1968 —Three Judges Bench of the Hon'ble Apex Court held that payment of full back wages is the normal rule. In case services have been illegally terminated either by dismissal or discharge or retrenchment, in such circumstance the workman is entitled to full back wages except to the extent he was gainfully employed during the enforced idleness. In the instant case the workman was always ready to work but he was not permitted on account of invalid act of the employer.

In AIR 2002 SC 1313 the Hon'ble Apex Court reduced the back wages to 25%.

In 2005 IV AD SC 39—Three Judges Bench of the Hon'ble Apex Court held that reinstatement with full back wages is justified. In this case the workman has performed more than 240 days work and he has been retrenched without payment of compensation and pay in lieu of notice.

A Three Judges bench of the Hon'ble Apex Court has held in 1993 II - LLJ that termination of services affects the livelihood of not only of the employee but also of the dependents. So in case of illegal termination of service the workman should be reinstated.

In the present case the workman has worked for 240 days in the year 1987 to 1995. He has worked as Assistant Confectioner. His work is still existing. It has not been shown by the management that he has been retrenched on the policy of first come last go. The work performed by this workman is still existing.

It was further submitted by the management that the workman has been given fixed term appointment. It has been held in 2006 LLR 68 that termination in terms of appointment letter is justified. The Hon'ble Apex Court has held that the workman has not proved that the work is of continuing nature and it is still existing. So termination after the period of fixed term engagement has been held valid. In the instant case the work is still continuing. This case law is not applicable in the facts and circumstances of the present case.

My attention was drawn to 2006 LLR 68. The Hon'ble Apex Court has held that engagement and extention of

services of the workman was for a specific period and hence termination is not illegal and the termination is in accordance to the provisions of 2(oo)(bb). In this case also the Hon'ble Apex Court found that it is not proved that the work is of existing nature.

In (1997) 11 SCC 521 the Hon'ble Apex Court found the termination valid as the appointment was for specified period of two months.

In AIR 1996 SCC 101 the respondent was appointed for a period of 3 months or till the regularly selected candidates resume office. So the Hon'ble Apex Court held that termination of service in terms of appointment letter are not illegal. This case law is not applicable as in the present case. The respondent is given 30 appointments for 40 days after a gap of 10 days. It indicates that the work is of existing nature and temporary appointments have been given for years to deprive the workman of the benefits of a permanent employee such action of the management amounts to unfair labour practice in view of the Vth Schedule item no.9 of the ID Act. The Vth Schedule, item no.9 of the ID Act forbids temporary appointments for years. In the instant case temporary appointments have been given for years.

The respondents have committed unfair labour practice as they have given 30 appointments and each appointment is for 40 days and always after a gap of 10 days. So the gap is artificial and deliberate. It is for no fault of the workman. Hence it shall be deemed that he has served the management continuously from 1987 to 14-02-1995.

It was further submitted that the terms and conditions of appointment have been specifically stipulated in the appointment letter and the workman is well aware of the terms and conditions. So there is no breach in provision in case he has been retrenched in contemplation of Section 2 (00) (bb). This case is not covered by section 2(00) (bb) as contract in this case is unreasonable and void in view of the constitution bench judgment AIR 1986 SC 1571.

Renstatement should not be misconceived as regularisation. By the order of reinstatement the status quo ante of the workman is restored. He is given back wages in order to compensate him for his illegal disengagement. This is a special remedy provided in ID Act and it has not been annulled and set aside by any judgment of the Hon'ble Apex Court. The provisions of the ID Act are still constitutional and they are to be given effect too.

In such cases the workman is reinstated with back wages and the respondents have every right, after payment of back wages and reinstatement, to retrench him validly following the principles of first come last go so that Section-25, G & H of the ID Act are not violated.

It has been held that if the contract of appointment contains terms which are unfair and un-reasonable, such contractual appointments are opposed to public policy and hence they are un-reasonable and void. The terms of

temporary fixed term service is un-reasonable term as the workman belongs to a poor segment of society. He has no choice rather no meaningful choice but to give his ascent to a contract or to sign on the dotted line in a prescribed standard form and to accept the set of rules. Such contracts are tainted with illegality. This contract of appointment so far as fixed term is concerned is un-reasonable and in the circumstance the workman shall be deemed to have discharged continuous duties all along. His illegal retrenchment has not terminated his services and there is no cessation of his services. He shall be deemed working all along continuously despite the artificial and notional breaks on which he has no control.

The workman is a confectioner. It cannot be said that he remained idle all along. He must be doing some sort of work off and on for his subsistence though he is not employed in any establishment so 25% back wages in the facts and circumstances of the case are enough to meet the ends of justice. He deserves to be reinstated with 25% back wages. This point is decided accordingly.

The reference is replied thus :

1. The action of the Respondent Nos. 3 & 4 in giving 30 appointments and each for 40 days from 1987 to 14-02-1995 by the management of Chef Air Flight Catering amounts to unfair labour practice. The workman is entitled to prosecute the management for unfair labour practice under the provisions of ID Act.

2. The action of the Respondent Nos. 3 & 4 in terminating the services of Shri Maya Ram Semwal, Assistant Confectioner by order dated 05-02-1995 is neither legal nor justified. The workman is entitled to be reinstated with 25% back wages and other consequential benefits. The management is directed to do so within one month from the date of publication of the award.

Award is given accordingly.

R. N. RAI, Presiding Officer

Date : 17-08-2006.

नई दिल्ली, 24 अगस्त, 2006

का.आ 3732.—आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आधिकारिक विवाद में केन्द्रीय सरकार आधिकारिक अधिकरण, धनबाद-I के पंचाट (संदर्भ संख्या 103/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2006 को प्राप्त हुआ था।

[सं. एल-20012/14/92-आई आर(सी I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 24th August, 2006

S.O. 3732.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 103/92) of the Central Government Industrial Tribunal/Labour

Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.C.C.L. and their workman, which was received by the Central Government on 23-8-2006.

[No. L-20012/14/92-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/S. 10 (1) (d) (2A) of
Industrial Disputes Act, 1947

Reference No. 103 of 1992

Parties : Employers in relation to the management
of Tetulmari Colliery of M/S. B. C. C. Ltd.

AND

Their Workman

Present : Shri Sarju Prasad Presiding Officer

APPEARANCES

For the Employers : Shri H. Neth, Advocate

For the Workmen : Shri G. Prasad, Advocate

State : Jharkhand Industry : Coal

Dated, the 10th August, 2006

AWARD

By order No. L-20012(14)/92-IR(C-I) dated the 15th September, 1992 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-Section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Tetulmari Colliery in terminating the services of Shri Raj Kumar Yadav alias Shri Gobardhan Mahto is justified? If not to what relief the workman is entitled?”

2. The case of the concerned workman is that he has been serving in Tetulmari colliery prior to the nationalisation of the colliery. According to him, he has got two names, one name is Raj Kumar Yadav and the other name is Gobardhan Mahato. He was served with a letter dated 8-9-1988 issued by Dy. C. M. E., Tetulmari Colliery to the effect that he is working in the name of Raj Kumar Yadav but it is reported that his original name is Gobardhan Mahato which has created a doubt. Therefore he was asked to submit verification report regarding his identity by the Mukhiya and B. D. O. According to the concerned workman, he produced verification report from Mukhiya, but he could not produce verification report from B. D. O. because at that time there was long strike in Government Offices. Thereafter the concerned workman was chargesheeted on 21-9-88 for absenting from duty without permission for more than 10 days and deceiving the management by working in the fake name. The concerned

workman submitted written explanation on 30-9-88 mentioning that he has got two names, Govardhan Mahato alias Raj Kumar Yadav and this finds place in court record, Pass Book of the Bank etc. He has further replied that he was ill therefore taking advantage his enemies have made false report. The management did not find the reply satisfactory, therefore, a domestic enquiry was constituted which, according to the concerned workman, was not fair or proper. Then the concerned workman has been dismissed from service on the basis of domestic enquiry.

3. The case of the management is that the concerned workman was working in Tetulmari Colliery in fake name of Raj Kumar Yadav although his real name is Gobardhan Mahato. This was reported by one Jugal Mahato, therefore the management asked him to submit verification report from Mukhiya, B. D. O. or police. But the concerned workman failed to submit verification report, therefore, he was chargesheeted and after domestic enquiry he was dismissed from service by letter dated 8/11/11-88. According to the management the concerned workman has been dismissed on proved charges of misconduct, therefore, the action taken by the management is justified.

4. Thus, it appears that the concerned workman has been dismissed from service on the basis of a domestic enquiry which has been held to be unfair and improper by order dated 13-6-97. The management was thereafter asked to justify its action by its evidence on merit.

5. The management has examined three witnesses to justify its action and the concerned workman also has examined himself and has produced certain documents to show that he has two names, one name is Gobardhan Mahato and other name is Raj Kumar Yadav.

The first witness of the management is R. N. S. Yadav. He was Enquiry Officer in the domestic enquiry. He has said nothing regarding the charges against the concerned workman. The second witness is MW-2 Bimal Kumar Sinha. He has said that the concerned workman was served with charge for remaining absent from duty without information to the management. According to him, he was absenting from 5-9-88. He has also stated that one Jugal Mahato had made an allegation by filing a complaint, Ext. M-9. He has stated that he does know if the complaint was signed by Jugal Mahato nor the complaint was signed in his presence. He has said nothing about the period of absence by the concerned workman.

The last witness of the management is MW-2 Jugal Mahato, who has made allegation against the concerned workman that his real name is Gobardhan Mahato, but he is serving in the name of Raj Kumar Yadav. However he has admitted that he is enemy of the concerned workman due to land dispute although he is cousin of this witness. He has proved the voter list of the village for the year 1988 in which the name of the concerned workman has been mentioned as Raj Kumar Yadav S/o Dibakar Mahato.

Admittedly, he is in enmity term with the concerned workman.

6. The concerned workman, on the other hand, has produced documentary evidence like sales Deed, report of Mukhiya of Gram Panchayat and Voter List to show that he has got two names, one is Gobardhan Mahato and other name is Raj Kumar Yadav.

7. From the material on record it appears that the concerned workman is working in Tetulmari Colliery much before the nationalisation of the colliery as Raj Kumar Yadav, father's name is same i. e. Dibakar Mahato alias Yadav. Therefore, the management has failed to prove that the concerned workman was working in that colliery by impersonating himself as Raj Kumar Yadav. On the other hand, there is material to show that the concerned workman has got two names, one is Gobardhan Mahato and other is Raj Kumar Yadav, both son of Dibakar Mahato. Therefore, the management has failed to prove the alleged misconduct of impersonating and deceiving the management in any manner. The management has also not produced any duty chart or attendance register to show that the concerned workman was absent for more than 10 days without reasonable or sufficient cause, therefore, I find that the dismissal of the concerned workman, on the facts and circumstances of the case, is not justified.

8. Furthermore, the chargesheet and the dismissal letter have been signed by the Dy. C. M. E. The sponsoring union in its written statements has challenged the authority of the Dy. C. M. E. in issuing chargesheet and dismissal, but the management has not filed any paper to show that the Dy. C. M. E. was competent to issue chargesheet and/or dismissal letter. Therefore, on this score also the dismissal of the concerned workman is defective and without jurisdiction.

9. On the basis of the discussions made above, I render following award :

The action of the management of Tetulamri Colliery in terminating the service of Raj Kumar Yadav alias Gobardhan Mahato is not justified and the concerned workman is entitled for reinstatement with full back wages and other consequential benefits. The management is directed to implement the award within 30 days from the date of publication of the award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 24 अगस्त, 2006

का.आ 3733.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या

265/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2006 को प्राप्त हुआ था।

[सं. एल-20012/106/2000-आई आर(सी-1)]
एस. एस. गुप्ता, अवर सचिव

New Delhi, the 24th August, 2006

S.O. 3733.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 265/2000) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.C.C.L. and their workman, which was received by the Central Government on 23-8-2006.

[No. L-20012/106/2000-IR (C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR (NO. I) DHANBAD

In the matter of a reference under section 10 (1) (d) and (2A) of the Industrial Disputes Act, 1947

Reference No. 265 of 2000

Parties : Employers in relation to the management of Sendra Bansjora Colliery of Sijua Area No. V. of M/s. BCCL

And

Their Workman

Present Officer : Shri Sarju Prasad, Presiding

APPEARANCES

For the Employers : Shri D. K. Verma, Adv.

For the Workmen : None

State : Jharkhand Industry : Coal

Dated, 3-8-2006

AWARD

By order No. L-20012/106/2000-IR (C-I) dated 14-9-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Sendra Bansjora Colliery of M/s. BCCL in rejecting the claim for employment of Sri Bharat Bhuiya s/o late Fakira Bhuiya under dependent employment scheme is justified? If not, to what relief the sons of the deceased employee is entitled?”

2. From the record it appears that Sri P. R. Shukla, who was representing the sponsoring union/concerned

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workmen had died long ago. Inspite of the notice to the sponsoring union no one is turning up since long. Therefore, it appears that concerned workman/sponsoring union has no interest to contest the case.

In the result, I render No Dispute Award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 24 अगस्त, 2006

का.आ 3734.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम व्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 122/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2006 को प्राप्त हुआ था।

[सं. एल-20012/317/95-आई आर(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 24th August, 2006

S.O. 3734.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 122/96) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.C.C.L. and their workman, which was received by the Central Government on 23-8-2006.

[No. L-20012/317/95-IR (C-I)]

S. S. GUPTA, Under Secy

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. I) DHANBAD

In the matter of a reference under section 10 (1) (d) and (2A) of Industrial Disputes Act, 1947

Reference No. 122 of 96

Parties : Employers in relation to the management of Benedih Colliery of M/s. BCCL

And

Their Workman

Present : Shri Sarju Prasad, Presiding Officer

APPEARANCES

For the Employers : Shri H. Nath, Adv.

For the Workmen : Sri B. N. Singh, Rep.

State : Jharkhand Industry : Coal

Dated, 9-8-2006.

AWARD

By order No. L-20012/317/95/IR (Coal-I) dated 2-12-96 the Central Government in the Ministry of Labour

has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand of the union for the regularisation of Shri Patru Mahato in Exc. Grade ‘D’ as Drill operator from 17-10-1990 at par with Adiga Patra with all benefits is justified? If so, to what benefit is the concerned workman entitled?”

2. From the record it appears that the case is pending for filing rejoinder. But no rejoinder has been filed. The case is being adjourned for the said purpose. From 21-1-2004 Sri B. N. Singh who is representing the sponsoring union/concerned workman submits that the sponsoring union/concerned workman have no interest in contesting the case.

In the result I render No Dispute Award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 25 अगस्त, 2006

का.आ. 3735.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टैण्डर्ड चार्टर्ड बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 19 व 20/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-8-2006 को प्राप्त हुआ था।

[सं. एल-12012/112 व 113/97-आई आर(बी.-I)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 25th August, 2006

S.O. 3735.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 19 & 20/98) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the management of Standard Chartered Bank and their workman, which was received by the Central Government on 25-8-2006.

[No. L-12012/112 & 113/97-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SARVODAYA NAGAR, KANPUR, UTTAR PRADESH

Industrial Disputes Nos. 19 of 1998 and 20 of 1998

In the matter of dispute between :—

Sri Man Singh Yadav (In I.D. No. 19/98)
son of late Satya Narain
Macharia Thana Naubasta
Kanpur

2. Sri Udai Bir Singh Yadav
s/o Matadin Yadav
r/o 3-A, Maunighat Azad Nagar
Thana Nawabganj, Kanpur.

(In I.D. No. 20/98)

AND

The Manager
M/s. Standard Chartered Bank
16/105, M.G. Road, Kanpur

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide Notification Nos :—

1. L-12012/113/97-I.R.B dated 27-1-98

KYA SRI MAN SINGH YADAV ATMAJ L. SATYANARAIN STANDARD CHARTERD BANK KANPUR KE KARMKAR HAI YA NAHI? YADI NAHI TO KYA SRI MAN SINGH YADAV KO DINANK 9-7-96 SE NAUKARI SE NIKALA JANA UCHIT AUR VAIDHAN IK HAI? YADI NAHI TO KARMKAR KIS ANUTOSH KA HAQDAR HAI?

2. L-12012/112/97-I.R.B dated 27-1-98

KAYA SRI UDAIB IR SINGH YADAV ATMAJ SRI MATADIN YADAV STANDARD CHARTERD BANK KANPUR KE KARAMKAR HAI YA NAHI YADI HAI TO KYA SRI UDAIBIR SINGH YADAV KO DINANK 9-7-96 SE NAUKARI SE NIKALA JANA UCHIT AUR VAIDHANIK HAI? YADI NAHI TO KARMKAR KIS ANUTOSH KA HAQDAR HAI?

has referred the aforesaid dispute for adjudication to this tribunal.

2. Since common question of facts an law are involved in both the industrial disputes hence it is proposed to dispose of them by means of this common award.

3. Briefly stated facts of the case of the concerned workmen as set up by them in their claim statement is that workman Sri Man Singh Yadav of I.D. No. 19/98 was engaged by the opposite party bank on 13-5-94 to perform the work of armed guard which is of permanent nature, whereas workman Sri Udai Bir Singh of I.D. No. 20/98 was engaged by the opposite party bank to perform the work of armed guard w.e.f. 13-1-96. It has further been alleged by the workmen that they used to be paid their wages on consolidate basis at Rs. 1100/- per month. Opposite party violated the provision of equal pay for equal work. From the very beginning the opposite party bank started taking work of security of cash from the workmen which was of a permanent nature work. It has been alleged by the workman that they were not paid their wages as per provisions of minimum Wages Act nor Government guidelines regarding payment were adhered by the opposite party bank. It is also alleged that workmen are covered under the definition of workman as envisaged under Sec. 2 (s) of the I.D. Act, as such are entitled to get protection of the provisions of the Industrial Disputes Act, 1947. It has been alleged that

whereas the services of the workman Udaibir Singh Yadav were terminated by the bank w.e.f. 9-7-96 orally, the services of the workman Man Singh Yadav were terminated orally by the bank w.e.f. 9-7-96. It is also alleged that the work for which these workmen were appointed was continuing in the bank at the time of termination of their services. It is further alleged that these workmen worked continuously during the period for which they were engaged by the opposite party. Work and conduct of these workmen remained satisfactory. No notice or notice pay was offered by the opposite party to these workmen at the time of dispensation of their services. It is also alleged that these workmen worked for more than 240 days with the opposite party. The action of the management in terminating the services of these workmen is against the provisions of Section 25F of I.D. Act read with 76 of I.D. Central Rules coupled with Sec. 25H read with rules 77 of I. D. Central Rules and also attracts the provisions of Articles 14 and 16 of the constitution of India. Lastly it has been prayed that the workmen be directed for reinstatement in service with continuity of service and all consequential benefits attach to the post.

4. Opposite party M/s. Standard Chartered Bank filed a common reply against the claim petition filed by the workmen alleging therein that under Section 2-A of the Industrial Disputes Act, 1947, question of determination of relationship of employer and employee between the parties cannot be referred, thus the references is not maintainable. It has been alleged by the opposite party that before conciliation proceedings it has categorically been alleged that the workmen are not their employee and was in fact an employee of M/s. Shiv Security Services Kanpur as such the result of the reference is bound to affect the employer of workman i.e. M/s. Shiv Security Services, therefore the principles of natural justice require that M/s. Shiv Security Services should also be a party of the reference. The workmen are trained armed escort and was engaged through a specialised security agency for providing armed escort to transportation of cash. Opposite party is a banking institution and is not engaged in the business of armed security. It is alleged that the reference is bad in law and is not maintainable. Workmen were never engaged by the opposite party and according to the information given by his employer workmen were engaged for short period i.e. from January 96 to June 96. Workmen were getting wages from their employer and not from the opposite party bank. It has been denied by the opposite party bank that it ever employed these workers as armed security guards as their employee. Bank further pleaded that whatever work the workman was perform was for his employer M/s. Shiv Security Services who had undertaken a contract from the management for providing armed escorts as and when required. The employer of the workmen was responsible for payment of wages to his employee and according to information available with the management the said employer was making payment of wages as per

law. The armed escorts were not required regularly at all times and that they were required only for transporting cash from the bank to Reserve Bank of India and vice-versa as such the work was neither regular nor permanent. There was no contract of employment between the workmen and the opposite party and since there was no such contract the workmen cannot be considered to be covered under the definition of workman as given in Industrial Disputes Act, 1947. Since the workmen were never in the employment of the opposite party. Opposite party was not empowered to terminate these workers from their services and if at there is termination of their services that is by his employer M/s. Shiv Security Services. These workmen are trying to claim employment under the opposite party through the present reference when in accordance with the contract dated 2-1-93 with M/s. Shiv Security Services the workmen were performing the work which the contractor had undertaken to perform for the management bank. There is no statutory or other legal obligation or any right in the bank to supervise and control the work of armed security guards, and in its absence the claim of the workmen is misplaced. It is denied that the workers continued in service continuously for more than 240 days and as per information received by the bank from the contractor workers are working as security guard with the local power house. In the end it is stated that the reference is not maintainable and the workers are not entitled for any relief.

5. Workers have filed their respective rejoinder in support of their claim in which nothing new has been alleged except reiteration of the facts alleged in the statement of claim.

6. After exchange of pleadings between the parties beside submitting documentary evidence parties have also led oral evidence in support of their respective cases.

7. I have heard the arguments of the parties at length and have also perused the records of the case carefully.

8. It has been contended by the authorised representative for the management that as there does not exist the relationship of Master and Servant between the claimant and the opposite party bank, therefore, the same cannot amount to an industrial dispute within the meaning of Sec.2-A of Industrial Disputes Act, 1947. Being so complainant has no right or authority to invoke the jurisdiction of this Hon'ble Court and that as the contractor who had engaged the complainant has not been made a party by the complainant in the instant case, the claim is bad for non joinder of parties. On the contrary it has been argued by the authorised representative for the complainant that since the dispute has been referred by the appropriate Government regarding termination of the services of the complainant on the ground of apprehension that there exist an industrial dispute between the parties, therefore, there is relationship of Master and Servant between the parties and that the complainant has rightly approached this

Hon'ble Court. The claim of the complainant cannot be thrown out on this ground alone.

8. In view of the rival contention of the contesting parties the first and foremost point for consideration which arises is as to whether or not there exist relationship of Master and Servant between the contesting parties. It is the specific case of the opposite party bank that under section 2-A of the Industrial Disputes Act, 1947, question of determination of relationship of employer and employees between the parties cannot be referred, therefore, the reference is not maintainable. It is the further case of the management that the complainants were not their employees and in fact they were the employees of M/s. Shiv Security Services who had undertaken a contract from the management for providing armed escorts as and when required and said contractor was responsible for making payment of wages to these complainants. It was the further case of the management that armed escorts were not required regularly at all times and whatever work were being performed by these persons were performed for M/s. Shiv Security Services and not for the management. Bank has also denied the fact that it had ever engaged or appointed these persons in their employment directly. As against it case of so called workmen is that they were engaged as Arm Guard and they were used to be paid their wages at Rs. 1100 per month. Bank from the very beginning started taking work of security of cash from the so called workmen which work was of permanent nature. Workmen have not been paid their wages as per provisions of Minimum Wages Act. The workmen have worked continuously for 240 days and that at the time of their termination of services, provisions of I. D. Act have not been followed hence their termination is illegal.

9. So far as the argument of the management that the reference for determination of question as to whether there exist any relationship of Master & Employee cannot be referred for adjudication by the appropriate Government is concerned, I do not find any substance in it. Tribunal under the provisions of I. D. Act, cannot sit as an appellate authority over the decision of the appropriate Government whereby it had referred the dispute to this Tribunal for adjudication. If the opposite party was aggrieved by the decision of the appropriate Government, it was open for them to have approached the Hon'ble High Court where all such questions could have been decided by the Hon'ble High Court.

10. Since opposite party bank having failed to approach the Hon'ble High Court, the tribunal is not ready to accept the arguments advanced by the opposite party bank which is overruled, being devoid of merit.

11. Next it will be seen as to whether the so called workmen have been able to establish the fact that there exist relationship of Master and Servant between them and the opposite party bank. On this point Sri Udai Bir Singh and Man Singh Yadav have examined themselves before this Tribunal.

12. Sri Udai Bir Singh in his examination-in-chief or oath have stated that he was appointed by the bank on 15-1-96 as Armed Guard. He used to carry cash in the bank and he also used to carry out the cash from the opposite party bank. He also admitted that he was removed from the bank's service on 9-7-96 without any notice, notice pay or retrenchment compensation. In his cross examination witness has admitted that he was not issued any appointment letter by the bank. Witness denied the suggestion that M/s. Shiv Security Services gave him any letter. Witness also denied the fact that he used to perform his duty only when there was requirement to carry cash. Witness was again called for his re-examination as the management filed certain documents in support of their case. In his re-examination witness has admitted that he was not employed anywhere after termination of his services.

13. On the contrary an officer of the bank Sri P. K. Rames examined himself as M.W. 1 in support of the case of bank. In his cross examination this witness has denied the fact that to carry cash was the duty of Sri Udai Bir Singh Yadav. This work was being done through M/s. Shiv Security Services who was free to take work from any one.

14. Sri Man Singh Yadav has also gave his evidence in the same fashion in which Udai Bir Singh Yadav has led his evidence and nothing new has been stated by him. From the appraisal of evidence of the parties the Tribunal find itself unable to believe the case as set up by the workers. Management has filed agreement arrived at between the opposite party bank and M/s. Shiv Security Services which shows that this agreement between the parties is with regard to engagement of security guards and for the same the bank approached M/s. Shiv Security Services, and the contractor had agreed to provide the security required by the bank.

On this point management has also placed reliance on the law laid down by the Hon'ble Supreme Court in the case of Cipla Ltd., versus Maharashtra General Kamgar Union and others reported in 2001 Lab. IC 1108 wherein the Hon'ble Supreme Court has held that if the employees are working under a contract covered by the Contract Labour (Regulation and Abolition) Act then it is clear that the Labour Court or the industrial adjudicating authorities cannot have any jurisdiction to deal with the matter as it falls within the province of an appropriate Government to abolish the same. Since these workers had worked under the contractor therefore this Tribunal cannot examine the issue regarding justification of termination of their services for want of relationship of Master and Servant.

15. In view of above discussions, it is held that as there exist no relationship of master and servant between the contesting parties, therefore, they cannot be granted any relief as claimed by them.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 28 अगस्त, 2006

का.आ. 3736.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिटेन्डेन्ट ऑफ पोस्ट ऑफिस के प्रबंधतंत्र के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पचाट (संदर्भ संख्या सी जी आई टी/एल सी/आर/219/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-8-2006 को प्राप्त हुआ था।

[सं. एल-40012/90/91-आई आर(डी यू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 28th August, 2006

S.O. 3736.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/219/91) of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sr. Supdt. of Post Office and their workman, which was received by the Central Government on 28-8-2006.

[No. L-40012/90/91-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/219/91

Presiding Officer : Shri C. M. Singh

Shri S.C. Choudhary,
Kushipura, Dal Singh Building,
Subhash Nagar Ward,
Sagar

Workman

Versus

The Director,
Postal Services,
Raipur Region,
Raipur

Management

AWARD

Passed on this 1st day of August, 2006.

1. The Government of India, Ministry of Labour *vide* its Notification No.L-40012/90/91-IR(DU) dated 14/19-11-91 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Sr. Supdt. of Post Office, Sagar Division, Sagar (M.P.) in compulsorily retiring Shri S. C. Choudhary, Postal Assistant, *vide* their order dated 4-5-90 is justified? If not, to what relief he is entitled to?”

2. The case of workman Shri S.C. Choudhary in brief is as follows. That he was working as postal Assistant under Respondent No.1 Sr. Supdt. of Post Office, Sagar

since 23-5-88. He submitted his Transfer, TA Bill of his transfer from Sagar to Narsingarh on 23-9-88 along with the domestic luggage transportation receipt of Rs.600/- only of truck No. M. P. A 5657 duly signed by Driver named Shri Abdul Kayum on plain paper with no revenue stamp. An objection was raised by the management against the unstamped receipt. The workman had infact contacted Shri Abdul Kayum in the first instance for Carriage of his domestic luggage on 11-9-88 and settled the transportation charges as Rs.600/- only. Driver Shri Abdul Kayum carried his luggage on his loaded truck No. 5657 and party on Truck No. 5826 driven by Driver named Shri Aziz on the same night and gave receipt on unstamped paper at Narsingarh, where they had temporary headquarters on way to Allahabad. The workman in order to meet out the aforesaid objection raised by the management and for obtaining fresh receipt on stamped paper casually met driver Shri Aziz and obtained the second receipt and submitted the same to the management. Since the drivers of the truck belong to UP and they had a temporary headquarter at Narsingarh, the address of driver/owner could not be known. The management disallowed the claim of luggage charges and paid the rest of the T A Bill. A primary enquiry into the authenticity of the transportation of luggage and payment through receipts was conducted by Respondent No.1 Sr. Supdt. of Post Office, Sagar through Sub Divisional Inspector, P.O. North Damoh who reported that there was no person named as Shri Abdul Kayum or Shri Aziz as owner/driver of Truck No. 5657 or 5826 at Narsingarh, there was no registration of trucks with the RTO, Sagar and the receipts in respect of payment could not be verified for want of proper address of the trucks driver/owner. Therefore the said preliminary enquiry conducted through the Sub Divisional Inspector, P.O. North Damoh is imaginary, vague, unsupported with evidence and is inconclusive. The draft memo of charges issued by respondent No.1 Sr. Superintendent of P.O., Sagar *vide* his letter dated 22-8-89 speaks of the allegation that the workman submitted false and fictitious receipts and the receipt for claiming transportation charges of the domestic goods appear to be false. The workman denied the said charges by his reply dated 12-8-89 and 26-8-89. Shri R.P. Yadeo, SDI, Post Office Khurai (Sagar) and Shri N.C. Sharma the Assistant Supdt. of Post Office, Sagar Division, Sagar were appointed as Presiding Officer and Presenting Officer respectively for the departmental enquiry by Respondent No.1 Sr. Supdt. of Post Office, Sagar who were prejudiced and biased against the workman. During the course of DE, Shri N. C. Sharma the Presenting Officer in the presence of the P.O. Shri R.P. Yadeo and others suggested the workman that the confession of the charges committed under bona fide mistake would be viewed leniently and condoned or dealt with minor penalty. The workman in good faith and believe, under influence of Shri N.C. Sharma, submitted a confession dated 4-10-89. The Enquiry Report submitted

by the Enquiry Officer is *void-ab-initio* as no opportunity to explain the facts was given to the workman to defend himself. The Enquiry Report is also bad being against the principle of natural justice. Thus the order of Respondent No.1 of Sr. Supdt. of Post Office dated 17/19-10-89 imposing the penalty on the workman of reduction of his pay of time scale from Rs.1150/- to 1075/- w.e.f. 1-11-89 with no increments for 3 years is bad for want of valid enquiry and is *void-ab-initi*. Respondent No. 2 the Director of Postal Services issued a showcause notice dated 6-1-90 under Rule 29(1) (v) read with sub-rule (b) of CCS(CCA) Rules 1965 for enhancement of penalty given by respondent No.1 Sr. Supdt. of Post Office into "compulsory retirement" and asked for the representation of the workman against the said enhanced penalty's proposal. The said show cause notice is not infact a show cause notice which may explain the cause of the notice required to be represented by the workman. The workman submitted a formal mercy representation dated 14-2-90 which did not contain the facts and circumstances under which he had submitted two receipts of Rs. 600/- amounting to Rs.1200/- with the claim and certificate of Rs.600/- only. Respondent No. 2 Director of Postal Services, Raipur passed the order of compulsory retirement of the workman on 4-5-90. This order is silent in respect of the cancellation/setting aside the original order dated 17/24-10-89 of his subordinate which was enforced and the pay of the workman was reduced from 1150 to 1075 w.e.f. 1-11-89 till further orders. Thus the order of respondent No. 2 Director of Postal Services would attach the fixation of pension of the workman, if executed. In case the order of compulsory retirement is executed, it will result into the reduction of pension of the workman which is unjustified. The workman cannot be doubly punished for a single act of misconduct. The punishment by two different authorities for a single offence is an act of double jeopardy and is in violation of article 20(2) of the Constitution. Further, it was the duty of the Competent Authority to verify and pass an effective order. If the workman is not entitled to pension, he should not have been compulsorily retired. The order is therefore ineffective and without application of mind. It is prayed by the workman to quash unjustified order and to reinstate in service with back wages.

3. The management contested the reference proceeding and filed their Written Statement. Their case in brief is as follows. The workman was serving under Respondent No.1 Sr. Supdt. of Post Office, Sagar w.e.f. 4-11-80. He was placed under suspension w.e.f. 11-7-80. On appeal to D.P.S. Raipur, he joined on 4-9-88. He preferred his Transfer TA claim on 23-9-88 in which he had enclosed luggage transportation receipt of Rs.600 only for Truck No. M.P.A.5657 duly signed by Driver Shri Abdul Kayum on plain paper and without revenue stamp. He was informed the omissions and was asked to furnish fresh receipt in the form containing full particulars which worked in letter No. E-6-285 dated 10-11-88. In reply to the said letter, the workman submitted another receipt showing the signature

of Shri Aziz on revenue stamp of truck No. 5826. It was received on 21-11-88. Since it was received in place of receipt submitted with his T A claimed and there was difference in the Truck No. and name of the truck driver, the claim was treated not to be genuine and hence the T A claimed was passed on 5-7-89 omitting the claim for conveyance of luggage because the weight and items of luggage shown therein became doubtful. The act of above submission of two receipts for transportation of domestic luggage was regarded as a breach of discipline and Disciplinary action under Rule 14 was initiated against him. Both the receipts produced in support of claim regarding transportation of his luggage were got verified and enquire into SDI Damoh/ (North). The charges mentioned in the charge sheet are correct because those charges have been framed after arriving at a conclusion that both the luggage receipts were not genuine. The workman had accepted both the charges levelled against him in writing during the course of enquiry. The allegation of the workman that the Enquiry Officer and Presenting Officer were prejudicial and biased against him cannot be upheld because he had never alleged the same during the course of enquiry. Since the workman had himself admitted the charges the question of disbelieving the report of Enquiry Officer dated 5-10-89 doesn't arise. Since the workman himself confessed the charges during the course of enquiry and begged apology, the question of being viewed with leniency by the Enquiry Officer or Presenting Officer does not arise as they were not the Disciplinary Authority for the workman. The acts done by the workman were not expected of from a Government Servant and his integrity was also found to be doubtful under CCS(Conduct) Rules, 1964. Hence the action under Rule 14 of CCS(CCA) Rules,1965 was taken against him. Had there been any injustice by Respondent No. 1 Sr. Supdt. of Post Office, Sagar against the workman, he was free to submit his appeal to the next higher authority which he failed to do. The workman accepted the charges in writing and also accepted the punishment without any appeal. The orders dated 4-5-90 of enhancing the penalty of the workman to the compulsory retirement was passed by Director of Postal Services, Raipur, Respondent No. 2 who was the appellate authority for the workman under CCS(CCA)Rules 1965. Since the workman had not completed minimum years of service, qualifying the grant of pension on compulsory retirement as required under CCS(Pension) Rules 1972, it was not sanctioned to him. The workman was given reasonable opportunity at each stage of enquiry. In view of the above, the workman is not entitled to the relief claimed.

4. On the pleadings of the parties, my learned predecessor in office framed following issues:

ISSUES :—

- i. Whether the enquiry is just, proper and legal?
- ii. Whether the management is entitled to lead evidence before this tribunal?

- iii. Whether the charges of misconduct are proved on the facts of the case?
- iv. Whether the punishment awarded is proper and legal?
- v. Relief and costs?
- vi. Whether the order of the Director Postal Services Raipur, dated 4-5-90 under Rule 29(1) (v) of the CCS(CCA)Rules 1965 of *suo-moto* revision of the order of the SSPOS Sagar, dated 24-10-89 and to inflict enhance punishment of "Compulsory Retirement" of the worker Shri S. C. Choudhary, P.A., Sagar is justified?

5. The Honorable High Court of MP *vide* order dated 2-2-06 passed in Writ Petition No. 1887/2001 set aside the award dated 16-4-1996 recorded by my learned predecessor in office in this reference case and directed this tribunal to decide the matter afresh with the observation as under:—

"In view of the aforesaid, there had been no proper appreciation of the material on record. The tribunal has also not considered that after when the respondents have already passed an order of penalty of his reduction in the pay by three stages, then what could be the reason for which the higher authority has issued a show cause notice on 6-1-90 proposing to enhance the said penalty."

6. On 15-2-06, Shri Subodh Kathar, Advocate, the learned counsel for workman moved an application along with the certified copy of order dated 2-2-06 passed by the Honourable High Court of M.P. mentioned above for deciding the matter afresh. On it, notice was issued to the management/respondents by registered AD post as well as by ordinary post fixing 28-2-06 for disposal of the matter in the light of the order passed by the Honourable High Court. On this date, Shri O. P. Namdeo, Advocate appeared and undertook to file vakalatnama for management. On 3-3-06, the next date fixed in the case, Shri O. P. Namdeo Advocate filed his vakalatnama for management. Thereafter both the parties to the reference were awarded opportunity to lead fresh evidence, if any, but they failed to adduce the same and ultimately the reference case was fixed for argument on 24-7-06.

7. It is worthwhile to mention here that the parties to this reference have not adduced any oral evidence.

8. I could not have an opportunity to hear the learned counsel for the workman as no one was present for the workman on the date fixed for argument. I have heard Shri Praveen Namdeo, Advocate the learned counsel for the management.

9. Both the parties have filed photostat copies of documents which may be referred in the body of this reference where the need be.

10. I have very carefully gone through the record and the entire documentary evidence on record and also

the written argument filed by the parties already on record.

FINDINGS

11. Issue No.1: The learned counsel for the management submitted that the DE was conducted against the workman legally, properly and after having followed the rules and regulations therefor. He also submitted that the enquiry was conducted also in accordance with the principles of natural justice. Against the above, it is mentioned in the written argument submitted on behalf of the workman that the DE is neither proper nor legal.

12. It is worthwhile to submit that order sheet dated 17-10-94 of this reference proceeding reveals that the workman admitted the DE papers and therefore those DE papers can be read in evidence. It is evident from the pleadings of the parties and the papers of DE on record that the chargesheet was duly served on the workman and the workman had admitted the charges levelled against him. Along with the chargesheet the list of witnesses and the required details were also supplied. It is explicit from the papers of DE that the workman voluntarily admitted the charges levelled against him. There is no oral or documentary evidence on record to prove that the workman made confession of his guilt under pressure as has been averred in the statement of claim of the workman. I have very carefully gone through the record of DE and I am of the considered opinion that there has been no violation of rules and regulations or principle of natural justice in conducting the domestic enquiry. It is, therefore, concluded that the DE is just, legal and proper. Issue No.1 is, therefore, decided in the affirmative in favour of the management and against the workman holding that the DE is just, proper and legal.

13. Issue No.2:— Had there been the findings on issue No.1 in the negative and against the management, in that case it was obligatory on the part of this tribunal to consider, if the management/respondents are entitled to lead evidence for proving the misconduct of the workman. But in this case, Issue No.1 has been decided in the affirmative in favour of the management/respondents and against the workman holding that the departmental enquiry is just, proper and legal. Therefore Issue No. 2 is decided in the negative.

14. Issue No. 3:— The learned counsel for the management submitted that in the departmental enquiry, the charges of misconduct of the workman have already been proved and the Enquiry Officer has recorded the findings accordingly in his Enquiry Report. It has been submitted by the learned counsel for the workman in the written argument that had there been any misconduct or bad intention of the worker to deceive the department, he would have claimed the amounts of both the receipts presented, but he had no dishonest intention and hence he claimed only amount of one receipt Rs.600 only and therefore, the charges of misconduct against the workman

on the basis of record are not proved.

It is evident from the averment made in the statement of claim by the workman that he had submitted a receipt of Rs. 600 for the claim of luggage transportation; that the receipt dated 11-9-88 was signed by driver Shri Abdul Kayum. It is also not disputed that again on 22-9-88, the workman submitted another receipt of Rs. 600 only, bearing the signature of driver Shri Abdul Aziz. Truck No. in the 1st receipt was mentioned as M.P.A 5657, while in the 2nd receipt, the truck No. was given as 5826. Consequently it is crystal clear that the truck No. in both the receipts submitted by the workman were different and also the names of drivers in both the receipts were different. During the course of enquiry, the workman voluntarily confessed both the charges levelled against him and tendered apology. It is clear from the departmental enquiry papers that both the aforementioned trucks were not registered with the RTO Office, Sagar. As already mentioned above, no oral evidence has been adduced by the workman in this reference case. Thus the workman has not examined any witness to prove that the receipts were genuine. He has not examined any driver for proving the said receipts. Under these circumstances, it cannot be held that the receipts were genuine and the luggage of the workman was transported by any of the two trucks. No doubt that the workman has averred in his statement of claim that he made confession under the mental torture and influence of Shri. N. C. Sharma, the Presenting Officer. But the workman has not adduced any oral evidence to prove that he did not confess the charges during the course of departmental enquiry voluntarily. Consequently the workman could not successfully assail the confession. The evidence discussed above is more than sufficient to hold that the workman has committed the misconduct of submitting false receipts for claiming Rs. 600 for transportation of his luggage. The above argument advanced by the learned counsel for the workman in his written argument that had there been any misconduct or bad intention on the part of the worker to deceive the department, he could have claimed the amounts of both the receipts submitted by him, has no legs to stand. It is, therefore, concluded that the charges of misconduct are proved on the facts of case. Issue No. 3 is, therefore, decided in the affirmative in favour of the management/respondents and against the workman.

15. Issue No. 4 & 6:—Both these issues are being taken together for adjudication as they are co-related.

16. After submission of the enquiry by the Enquiry Officer, Respondent No. 1 Sr. Suptd. of Post Office, vide order dated 17/19-10-89 imposed the penalty on the workman of reduction of his pay of time scale from Rs. 1150 to 1075 w.e.f. 1-11-89 with no increments for 3 years as averred by the workman in his statement of claim. The same is also mentioned in the copy of the order dated 17/19-10-89 passed by Respondent No. 1 Sr. Suptd. of Post Office, Sagar on record together with papers of departmental

enquiry. It is clear from the pleadings of the workman contained in his statement of claim that the workman did not appeal against order dated 17/19-10-89 of respondent No. 1 Sr. Suptd. of Post Office, Sagar of imposing the aforesaid penalty on him. Therefore the said order of imposing the penalty has become final. It has been averred in his statement of claim by the workman that the aforesaid order of imposing penalty by the Sr. Suptd. PO. Sagar was enforced and his pay was reduced from Rs. 1150 to 1075 w.e.f. 1-11-89 till further orders, meaning thereby that the workman accepted the aforesaid order of penalty passed by the Sr. Suptd. of Post Office. This further indicates that the said order has become final.

17. It is clear from the pleadings of the parties and the papers of DE on record that respondent No. 2 the Director of Postal Services issued a show-cause notice dated 6-1-90 under Rule-29(1)(v) read with sub rule (b) of the CCA(CCS) Rules, 1965 for enhancement of penalty given by Respondent No. 1 Sr. Suptd. of Post Office, Sagar into "compulsory retirement" and asked for the representation of the workman against the said "enhanced penalty's proposal." Now according to the order dated 2-2-06 passed by the Honourable High Court of MP in Writ Petition No. 1887/2001, it is to be considered that after when the respondents have also passed an order of penalty of reduction of pay of workman by 3 stages, then what could be the reasons for which the higher authorities has issued a show cause notice on 6-1-90 proposing to enhance the said penalty. The relevant portion of Rule 29(1) (v) read with sub rule (b) of CCS (CCA) Rules 1965 reads as under:—

- (i); or
- (ii); or
- (iii); or
- (iv); or
- (v) the appellate authority, within six months of the date of the order proposed to be revised; or
- (vi)

may at any time, either on his or its own motion or otherwise call for the records of any inquiry and revise any order made under these rules or under the rules repealed by Rule 34 from which an appeal is allowed, but from which no appeal has been preferred or from which no appeal is allowed, after consultation with the Commission where such consultation is necessary, and may—

- (a) confirm, modify or set aside the order; or
- (b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
- (c) remit the case to the authority which made the order to or any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of

the case; or

(d) pass such other orders as it may deem fit:

Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of Rule 11 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, and if an inquiry under Rule 14 has not already been held in the case no such penalty shall be imposed except after an inquiry in the manner laid down in Rule 14 subject to the provisions of Rule 19, and except after consultation with the Commission where such consultation is necessary.

Provided further that no power of revision shall be exercised by the Comptroller and Auditor-General, Member (Personnel), Postal Services Board, Adviser (Human Resources Department), Department of Telecommunications or the Head of Department, as the case may be, unless—

- (i) the authority which made the order in appeal, or
- (ii) the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

(2) No proceeding for revision shall be commenced until after—

- (i) the expiry of the period of limitation for an appeal, or
- (ii) the disposal of the appeal, where any such appeal has been preferred.

(3) An application for revision shall be dealt with in the same manner as if it were an appeal under these rules.

18. It is very clear from the Rule 29(1)(v) that the Appellate Authority may at any time on its own motion call for the records of any enquiry and revise any order made under these rules and may enhance the penalty imposed by the order. This rule does not require to disclose the reason for issuing a show cause notice for the enhancement of the penalty. Only it is required that a reasonable opportunity of making representation against the penalty proposed must be given to the delinquent Government Servant. It is mentioned in the photostat copy of notice dated 6-1-90 issued by the Director, Postal Services to the workman that after careful study of the departmental case, it is felt that the said penalty was not equitable to the gravity of charges and needs to be revised. It is the sole reason for which the Director of Postal Services issued notice under Rule 29(1)(v) of CCS(CCA)Rules, 1965 to the workman to enhance the punishment to "Compulsory Retirement" from service. In this case, it is admitted in the statement of claim by the workman that Respondent No.2

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the Director of postal services issued a show cause notice dated 6-1-90 under Rule 29(1)(v) read with rule (b) of CCS(CCA), Rules 1965 for enhancement of penalty given by Respondent No.1 Sr.Supt. of Post Office, Sagar into "Compulsory Retirement" and asked the representation of the workman against the said "enhanced Penalty's proposal". Thus the Appellate Authority had give a notice to the workman legally under the rule to the workman for enhancement of penalty into "Compulsory Retirement"

19. There is a copy of order dated 5-4-90 passed by the Director, Postal Services, Raipur Region, Raipur enhancing the punishment of the workman to compulsory retirement which reveals that it was felt by him that penalty imposed was not commensurate with the offence and should be enhanced to compulsorily retired from service. This appears to be the sole cause for issuing notice to the workman of enhancing the punishment to the compulsory retirement. It is mentioned in the said order that the workman be compulsorily retired from the service with immediate effect.

20. It is averred in the statement of claim by the workman that the order of the Revisional Authority is silent in respect of cancellation/modification of original order of his subordinate authority which already effected the reduction of pay from Rs.1150 to 3 stages Rs. 1075 w.e.f. 1-11-89. According to averments made in the statement of claim, the aforesaid order of reduction of pay has been already executed against the workman w.e.f. 1-11-89. It has been submitting the written argument filed on behalf of workman that the Director of Postal Services, Raipur has passed order dated 4-5-90 of compulsory retirement of the workman without applying his mind as he has neither cancelled nor modified the previous order of his subordinate authority by which the pay of the workman was reduced from Rs.1150 to 1075 w.e.f. 1-11-89 and therefore the said order of compulsory retirement is not proper and legal order in the eye of law. It is a fact that the order dated 4-5-90 passed by the Director, Postal Services, Raipur of compulsory retirement of the workman is quite silent regarding previous order of penalty passed by his subordinate authority against the workman. In view of it, it cannot be held a legally good order.

21. As mentioned above, there has been reduction in the salary of workman in accordance with the order of penalty passed by Sr.Supt. of Post Office, Raipur. It means the said order has already been executed. It has been averred by the workman in his statement of claim that the order dated 4-5-90 of the Revisional Authority has been partly executed as the workman has been retired from the services but no pension has been sanctioned or paid to him so far. Regarding it has been pleaded by the management in their written statement that because the workman had not completed the minimum years of service, qualifying the grant of pension on compulsory retirement as required under CCS(Pension) Rules 1972 it was not

sanctioned to him. It clearly means that legally the workman could not be compulsorily retired from the service because he had not completed minimum years of service which is required for qualifying the grant of pension on compulsory retirement. The copy of order dated 4-5-90 passed by the Director, Postal Services, Raipur reveals that instead of dismissing or removing the workman, a lenient option of compulsorily retiring him is being exercised. Meaning thereby the intention of the Director, Postal Services, Raipur region was not to dismiss or relieve the workman from the service. But he failed to take into consideration the length of service put in by the workman i.e. he failed to consider if the workman has put in minimum years of service which is required for qualifying compulsory retirement. Thus the order passed by the Director, Postal Services Raipur region of compulsorily retiring the workman from the service is not executable. If it is put into execution, in that case the workman cannot get any pension. Meaning thereby this order if put into execution, it will result into dismissal or removal of the workman from the service which is not intended by the said order. Therefore order dated 4-5-90 passed by the Director, Postal Services, Raipur region of compulsorily retiring the workman with immediate effect is not executable and therefore it is not a valid order.

22. In view of the discussion above made, it is concluded that the punishment awarded by respondent No.1 Sr. Supdt. of Post Office, Sagar Division, Sagar of reduction of pay of workman by 3 stages w.e.f. 1-II-89 is proper and legal and the order of the Director, Postal Services, Raipur dated 4-5-90 under Rule 29(1)(v) of CCS (CCA) Rules, 1965 of *suo-moto* revision of the order of Sr. Supdt. of Post Office, Sagar Division, Sagar dated 24-10-89 and to inflict enhanced punishment of "Compulsory Retirement" of the workman Shri S.C. Choudhary, P. A. Sagar is unjustified. Issue No. 4, is, therefore, decided in the affirmative in favour of the management and against the workman and Issue No. 6 is decided in the negative against the management and in favour of the workman.

23. Issue No.5: In view of my findings on Issue No.1, 2, 3, 4 & 6, the reference deserves to be answered in favour of the workman and against the management.

24. Now it is to be considered as to what relief the workman is entitled. In view of my findings on Issue No.6, the order of Director, Postal Services, Raipur dated 4-9-90, under Rule-29(1)(v) of CCS (CCA) Rules, 1965 of *suo-moto* revision of the order of SSPOS, Sagar dated 24-10-89 and to inflict enhanced punishment of "Compulsory Retirement" on the workman Shri S. C. Choudhary, P A, Sagar is not justified and therefore requires to be quashed. There is no evidence on record for ascertaining the age of workman. Therefore it cannot be ascertained as to whether he has attained the age of superannuation. It has been averred in para-10 of the statement of claim that the workman is out of employment. It has not been pleaded in the Written

Statement by the management that during the pendency of this reference proceeding, the workman has been gainfully employed anywhere. Therefore in case the workman has attained the age of superannuation from service, he should be treated as retired from the service on the said date, should be entitled to back wages till the age of retirement and thereafter pension according to rules. In case the workman has not reached the age of superannuation from service, he should be reinstated in service with back wages.

25. In view of the above, the workman Shri S. C. Choudhary is entitled to the following relief:—

The reference is answered in favour of the workman and against the management with costs holding that the action of the management of Sr. Supdt. of Post Office, Sagar Division, Sagar in compulsorily retiring Shri S.C. Choudhary, Postal Assistant vide their order dated 5-4-90 is unjustified, in case the workman has attained the age of superannuation from service, he shall be deemed to be superannuated from service the date on which he has attained the said age, shall be entitled to back wages till the age of superannuation and thereafter pension according to rules and in case he has not reached the age of superannuation from service, he shall be reinstated in service with back wages. Issue No. 5 is decided accordingly in favour of the workman and against the management.

ORDER

The reference is answered in favour of workman Shri S.C. Choudhary and against the management/ respondents with costs holding that the action of management of Sr. Supdt. of Post Office, Sagar Division, Sagar (MP) in compulsorily retiring Shri S.C. Choudhary, Postal Assistant vide their order dated 4-5-90 is unjustified. Workman Shri S.C. Choudhary is entitled to the following relief:—

In case the workman has attained the age of superannuation from service, he shall be deemed to be superannuated from service, the date on which he had attained the said age, shall be entitled to back wages till the date of superannuation and thereafter pension according to rules and in case he has not reached the age of superannuation from service, he shall be reinstated in service with back wages.

26. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 28 अगस्त, 2006

का.आ 3737.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फॉर्म के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय नं.-II, चंडीगढ़ के पंचाट (संदर्भ संख्या 1132/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-8-2006 को प्राप्त हुआ था।

[स. एल-14012/18/96-आई आर(डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 28th August, 2006

S.O. 3737.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.1132/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Military Farm and their workman, which was received by the Central Government on 28-8-2006.

[No. L-14012/18/96-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II CHANDIGARH

SHRI KULDIP SINGH, Presiding Officer :

Case I.D. No 1132/2k5.

Registered on 23-9-2005

Date of Decision 16-1-2006.

Shri Som Nath C/o Shri B. R. Prabhakar, President LMS,
63-C, Kailash Nagar, Model Town, Ambala

Petitioner

Versus

The Officer Incharge, Military Farm, Ambala City

Respondent

APPEARANCE

For the Workman : Dhani Ram

For the Management : Mr. Arun Walia
Advocate.

AWARD

The Govt. of India, Ministry of Labour, referred the following matter for the adjudication of this Tribunal *vide* their order No. L-14012/18/96-IR(DU) dated 26th June, 1997.

“Whether the action of the Officer Incharge Military Farm Ambala Cantt. in terminating the services of Shri Som Nath S/o Shri Raj Kishore a daily wages Farm Hand w.e.f 30-9-1994 is just and legal ? If not, to what relief the workman is entitled for and from which date?”

The notice of the reference was given to the parties and the workman filed his claim petition to which the Management filed the reply. The workman filed his affidavit whereas the Management filed the affidavit of their witness, Shri S. K. Thakkar in support of their claim. The case then was transferred to this Court. Before that the workman

absented and the Court issued notice to the workman under registered cover more than 3 times, but the notices were received back unserved with the report that the address is incomplete, therefore, the workman cannot be served. The Court issued the notice to the workman even through the Secretary of his Union, but that also could not be served. Earlier the workman was appearing through Sh. Dhani Ram, his representative who is now dead. The workman has, therefore, chosen not to come and contest his case. The affidavit filed by him cannot be considered as the same has not been tested on the touch stone of the cross examination. I, therefore, find no evidence on record to support the claim of the workman that the Management was unjust to terminate the services of the workman w.e.f 30th Sep., 1994. Let a copy of this award be sent to the appropriate Govt. for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 28 अगस्त, 2006

का.आ 3738.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतान्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चंडीगढ़ के पंचाट (संदर्भ संख्या 631/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-8-2006 को प्राप्त हुआ था।

[स. एल-40012/310/2000-आई आर(डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी,

New Delhi, the 28th August, 2006

S.O. 3738.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 631/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 28-8-2006.

[No. L-40012/310/2000-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II CHANDIGARH

SHRI KULDIP SINGH, Presiding Officer :

Case I. D. No 631/2k5

Registered on 24-8-2005

Date of Decision 19-4-2006.

Shri Mewa Lal S/o Shri Nathuni Ram, House No. 276,
Ram Darbar, Phase-II, Chandigarh.

Petitioner

Versus

The Chief General Manager Telecom, Punjab Circle,
Sector-34, Chandigarh

Respondent

APPEARANCE

For the Workman : Mr. Om Parkash Singh
For the Management : Mr. G. C. Babbar
Advocate.

AWARD

The Government of India, *vide* their notification No. L-40012/310/2000/IR (DU), dated 25-9-2000, referred the following matter for the adjudication for this Tribunal :

“Whether the action of the Management of D/o Telecom, Chandigarh in terminating the services of Sh. Mewa Lal S/o Sh. Nathuni Ram w.e.f. 27-2-99 is just and legal? If not, to what relief the workman is entitled?”

The notice of the reference was given to the parties. The workman appeared through the representative, whereas the Management appeared through the Counsel. The workman filed the reply on 26-2-2002. The workman filed the rejoinder on 1st Oct., 2004 and the parties filed affidavits. Workman filed his own affidavit whereas the Management filed the affidavit of Shri S.K Puri, their witness.

The case was at the stage of filing affidavit of witness of the Management when it was transferred to this Court. The workman did not appear in person or through his representative on 28th Sep., 2004, the date fixed in this Court. On a fresh notice, Mr. Arun Batra, Advocate appeared as proxy for the representative of the workman, on 19th Dec., 2005. The case had been fixed for 3rd Feb., 2006, but the workman did not appear on that also. The perusal of the file shows that the workman did not regularly attended the proceedings and had been appearing off and on. Considering this situation, a notice under registered cover was issued to the workman, under postal receipt No. 0610 dated 14th Feb., 2006, directing him to appear and produce his evidence on 19th April, 2006. Today again he is not present nor any of his witnesses are present. This shows that the workman is not interested to prosecute his case. The notice to him under R/C was sent on 14-2-2006 and even after the expiry of statutory period of 30 days neither he is present nor the notice has been received back unserved. This gives rise to the presumption that the notice is served upon the workman, but he is not present despite that.

On record there are only pleadings of the parties duly supported by their affidavits. The workman has alleged a relationship of employee and employer, a fact which has been denied by the Management. Both the parties have supported their pleadings with their affidavits. However, because of the conduct of the workman, the evidence of

the parties has not been tested on the touch stone of the cross-examination. Therefore, no reliance can be placed on the pleadings of the parties.

On record I do not find any other evidence to support the claim of the workman that he was engaged by the Management and his services were terminated on 27th Feb., 1999, without following the provisions of law. Thus the termination of his services, if at all it was there, was unjust and illegal. Since the workman has failed to prove his claim, therefore, he is not entitled to any relief. The reference made by the appropriate Government is answered in these terms. Let a copy of this award be sent to the appropriate government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 28 अगस्त, 2006

का.आ 3739.—औद्योगिक विवाद अधिनियम, 1947 (1947

का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 367/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-8-2006 को प्राप्त हुआ था।

[सं. एल-40012/33/2002-आई आर(डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 28th August, 2006

S.O. 3739.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 367/2005) of the Central Government Industrial Tribunal/ Labour Court, No. II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 28-8-2006.

[No. L-40012/33/2002-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II CHANDIGARH

SHRI KULDIP SINGH, Presiding Officer

Case No. I. D. No. 367/2005

Registered on 9-8-2002

Date of Decision 17-1-2006.

Shri Sushil Kumar S/o Shri Ramdupar, House No. 5216,
Maloya Colony, Chandigarh

Petitioner

Versus

The Principal General Manager, Telecom, Telephone
Dept. Sector-18-A, Chandigarh

Respondent

APPEARANCE

For the Workman : Mr. Om Parkash Singh
For the Management : Mr. G.C. Babbar,
Advocate.

AWARD

The Government of India, Ministry of Labour referred the following matter for the adjudication of this Tribunal *vide* their order No. L-40012/33/2002 (IR(DU) dated 24-7-2002;

“Whether the action of the Management of Department of Telecom, Chandigarh in terminating the services of Shri Sushil Kumar, Peon w.e.f. 27-2-99 is just and legal? If not, what relief the workman is entitled?”

The notice of the reference was given to the parties who appeared through their representative. The workman filed the claim petition and rejoinder to which the Management filed the Written Statement. The workman filed his affidavit and the Management filed the affidavit of their witness, Sh. Ujagar Singh, S.D.O. The case was listed for the evidence of the workman for today, but he is not present. His representative, Shri Om Parkash Singh, has made the statement that the workman is not interested to prosecute his case, since he has got a better job in the private sector; that he had personally gone to the workman to apprise him of the date fixed but he has chosen not to come. There is, therefore, no evidence on record except the affidavit and counter affidavit of the parties, which cannot be read unless tested on the touch stone of the cross examination. The workman has not come forward to state on oath before the Court about the facts stated in the affidavit and has also not faced the cross examination of the Management. On record there is no evidence to show that the termination of the services of the workman on 27th Feb., 1999 was unjust and illegal. In my opinion, the workman, in the circumstances, is not entitled to any relief. His claim is, therefore, rejected. This award is passed in these terms. Let a copy of this award be sent to the appropriate government for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 28 अगस्त, 2006

का.आ. 3740.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या

993/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-8-2006 को प्राप्त हुआ था।

[सं. एल-40012/61/97-आई आर(डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 28th August, 2006

S.O. 3740.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 993/2005) of the Central Government Industrial Tribunal/Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 28-8-2006.

[No. L-40012/61/97-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer : Shri Kuldip Singh

Case No. I. D. No 993/2005

Registered on 6-5-98

Date of Decision 19-4-2006

Sangeeta Devi R/o Devinder Niwas, Near Mahajan
Printing Press, Bethwel Estate, Shimla-171006

...Petitioner

Versus

Divisional Engineer, Telecom Projects Kunj Goodwood
Estate, Bharari Road, Shimla-171001

...Respondent

APPEARANCE

For the Workman : Mr. Karam Singh, Advocate

For the Management : Mr. I.S Sidhu, Advocate.

AWARD

The following matter was referred by the appropriate Government for the adjudication of this Tribunal *vide* their notification No.L-40012/61/97-IR(DU) dated 1-4-98.

“Whether the action of the Divisional Engineer Telecom Projects Kunj Goodwood Estate, Bharari Road, Shimla in terminating the services of Ms. Sangeeta Devi a daily rated casual worker w.e.f. 17-7-96 is legal and justified? If not, to what relief the workman is entitled to?”

The notice of the reference was given to the parties and they appeared through their Advocates. The workman filed her statement of claim to which the Management filed the reply. The workman filed her affidavit in support of her claim whereas the Management filed the affidavit of their Divisional Manager in support of the reply. The case was

at the stage of production of evidence by the workman but the interim orders show that the workman did not appear on 10th November and 23rd January. However, she appeared on 10th Feb., 2006, the last date fixed and submitted in writing that she has got regular appointment in the State Government of Himachal Pradesh, therefore, she is not interested to prosecute her claim in this reference. She has prayed that she may be allowed to withdraw from the prosecution for that reason.

It is on record that there was no Court on 10th of February, as I was on leave and the case was listed for orders today. Again the workman is not present, however, the counsel for the Management is present. On record there is application of the workman. I am satisfied that the application has been made by the workman at her own free will. Even otherwise her conduct, during the proceedings, has shown that she was not regularly appearing in the proceedings and may be for the reason that she was appointed in the Regular Service with the State Govt. of Himachal Pradesh and so she is not interested to prosecute her case.

It is on record that the workman has withdrawn from prosecution and the claim made by the parties has not been supported by any evidence. The evidence produced by the parties by way of affidavits and the documents, has not been proved under law, as neither of the parties has got the opportunity to test that evidence on the touch stone of the cross-examination. Therefore, no reliance can be placed on the pleadings of the parties and the documents produced by them. I do not find any evidence, on record, to show that the action of the Management in terminating the services of the workman w.e.f. 17-7-96 was illegal and unjustified. The workman has withdrawn from the prosecution and has chosen not to prove the evidence produced to support her claim. Thus the reference made by the Management is answered that there is nothing to show that the action of the Management in terminating the services of the workman was not legal and justified. The workman is, therefore, entitled to no relief. The reference is answered. Let a copy of this award be sent to the appropriate government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 28 अगस्त, 2006

का.आ. 3741.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मिलिट्री फॉर्म के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1130/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-8-2006 को प्राप्त हुआ था।

[सं. एल-13012/3/96-आई आर(डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 28th August, 2006

S.O. 3741.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.1130/2005) of the Central Government Industrial-cum-Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employess on relation to the management of Military Farm and their workman, which was received by the Central Government on 28-8-2006.

[No. L-13012/3/96-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

SHRI KULDIP SINGH, Presiding Officer

Case No. I. D. No 1130/2005

Registered on 10-6-1997

Date of Decision 16-1-2006.

Shri Lachhman Singh S/o Shri Devi Chand R/o Sena Nagar, Ambala Cantt. (Haryana)

...Petitioner

Versus

The Officer Incharge, Military Farm, Ambala Cantt.

...Respondent

APPEARANCE

For the Workman : NEMO

For the Management : Mr. K.K. Thakur, Advocate.

AWARD

The Govt. of India, Ministry of Labour referred the following matter for the adjudication of this Tribunal *vide* their order No. L-13012/3/96-IR(DU) dated 30-5-1997;

“Whether the action of the Management of Military Farm, Ambala Cantt. in not granting pay scales of Rs.330—480 w.e.f. 16-10-1981, the day when his junior was promoted, to Shri Laxman Singh, MHC-II is just, fair and legal? If not, what relief the workman is entitled to?”

The notice of the reference was given to the parties and the workman filed his claim petition, to which the Management filed the reply. The workman filed his affidavit whereas the Management filed the affidavit of their witness, Shri S.K. Thakkar, in support of their claim. The case then was transferred to this Court. Before that the workman absented and the Court issued notices to the workman under R/C more than three times, but the notices were received back unserved with the report that the address is incomplete, therefore, the workman cannot be served. The Court issued notice to the workman even through the Secretary of his Union, but that also could not be served.

Earlier the workman was appearing through Shri Dhani Ram, his representative, who is now dead. The workman has, therefore, chosen not to come and contest his case. The affidavit filed by him and the Management cannot be considered as these have not been tested on the touch stone of the cross examination. I, therefore, find no evidence on record to support the claim of the workman that the Management of Military Farm in not granting the pay scale of 330—480 to the workman w.e.f. 16th Oct., 1981, when his junior was granted the same, was unjust and unfair. The reference is, therefore, answered in these terms. Let a copy of this award be sent to the appropriate Government for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 28 अगस्त, 2006

का.आ. 3742.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय नं.-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 528/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-8-2006 को प्राप्त हुआ था।

[सं. एल-40012/243/2001-आई आर(डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी,

New Delhi, the 28th August, 2006

S.O. 3742.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 528/2005) of the Central Government Industrial Tribunal/ Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 28-8-2006.

[No. L-40012/243/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, CHANDIGARH

SHRI KULDIP SINGH, Presiding Officer :

Case No. I. D. No 528/2005

Registered on 6-12-2001

Date of Decision 17-4-2006

Phool Chand S/o Shri Ranga Ram, R/o Village Haripur
Hindua, Tehsil Dera Bassi, District Patiala

...Petitioner

Versus

The Principal General Manager, Telecom, Telephone Department, Sector-18-A, Chandigarh

...Respondent

APPEARANCE

For the Workman : Mr. Om Parkash Singh

For the Management : Mr. G. C Babbar, Advocate.

AWARD

The Govt. of India, Ministry of Labour referred the following matter for the adjudication of this Tribunal *vide* their Order No. L-40012/243/2001 IR(DU) dated 6th November, 2001.

“Whether the action of the Management of Department of Telecom, Chandigarh in terminating Shri Phool Chand S/o Shri Ranga Ram w.e.f. 27-2-99 is just and legal? If not, to what relief the workman is entitled?”

The notice of the reference was given to the parties, who appeared through representatives. The workman filed the claim statement, to which the Management filed the reply. The workman filed the rejoinder through his representative. The parties also filed the affidavits of the persons to whom they desired to produce as witness in the case.

From the record it appears that the workman himself never appeared in the case and the Court, after waiting for him for long directed the workman to produce the evidence. He neither appeared nor produced the evidence and absented from Court appearance on 1st Feb., 2006, both in person and through representative. The Court thereupon directed that the workman be summoned by a notice under R/C. The notice by that process was issued to the workman on 2nd Feb., 2006, under postal receipt No. 290. The R/C carrying the notice, has neither been received back nor the workman has appeared today. From the conduct of the workman it is shown that the workman is not interested to prosecute the case. The R/C carrying the notice has not been received back even after the expiry of statutory period and it gives presumption to believe that the workman has received the notice, but he has chosen not to appear purposely. After going through the record of the file I find that the workman has failed to produce any evidence to show that he was employed by the Management and his services were terminated on 27th Feb., 1999, without following just and legal procedure. There is infact no evidence on record to show that the workman was employed by the Management and they dismissed him from services arbitrarily. In my opinion the workman has failed to prove his claim, therefore, he is not entitled to any relief. The reference is answered in these terms. Let a copy of this award be sent to the appropriate Government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 28 अगस्त, 2006

का.आ. 3743.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/प्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 175/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-8-2006 को प्राप्त हुआ था।

[सं. एल-40012/30/98-आई आर(डी यू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 28th August, 2006

S.O. 3743.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 175/2001) of the Central Government Industrial Tribunal/ Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 28-8-2006.

[No. L-40012/30/98-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT: Shri N.K.R. Mohapatra,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

Tr. Industrial Dispute Case No. 175/2001

Date of Passing Award - 4th July, 2006

BETWEEN:

The Management of the Assistant
General Manager, Telecommunication,
O/o. C. G. M. T., Orissa Circle,
Bhubaneswar - 751 001.

...1st Party-Management

AND

Their Workman, Shri B.B. Sahoo,
At. Ohanda, PO. Kulum, Ps. Rengali
Dam Site, Dist. Angul - 759122

...2nd Party-Workman

APPEARANCES:

M/s. S.K. Pattnaik, ... For the 1st Party-
Advocate Management.

M/s. B.C. Bastia, ... For the 2nd Party
Advocate Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of Powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-40012/30/98/IR (DU), dated 06-07-1998.

“Whether the action of the Management of Telecom Deptt., Angul by terminating the services or Shri B.B. Sahu, NMR without any charges against him is legal & justified? If not to what relief the workman is entitled to?”

2. It is alleged by the claimant-workman that on 5-2-1991 he was initially employed as a daily wage carrier to work under different supervisory staff of Telecom Department of Dhenkanal Telecom District. At first he was asked to work under the Telecom Line Inspector under J.T.O., Angul from 5-2-1991 to 20-8-1994 and from 21-8-1994 to 24-7-1996 under Telephone Mechanic and from 25-7-1996 to 18-11-1996 as N.M.R. Worker under J.T.O., Angul at Rengali Telephone Exchange. While he was so working continuously for 240 days each year he was abruptly terminated by the S.D.O. (Telecom), Angul on 18-11-1996 without any notice for no fault of his own in violation of Section 25-F of the Industrial Disputes Act. As a result he raised an Industrial Dispute before the Asstt. Labour Commissioner (Central) resulting in the present reference. It is further alleged that after terminating him from service another person was engaged in his place by the Management.

3. As against the above stand of the workman the 1st party-management has averred that the Telecom Department not being an Industry the present reference is not at all maintainable. Besides it is further averred that the workman in question was never engaged/employed by the Management and therefore the question of terminating him from service does not arise. According to it in the year 1985 the Government of India imposed total ban on fresh engagement of casual labourers with effect from 1-4-1985 asking all departments to execute the work departmentally by engaging contractors. Therefore, ever since 1985 the departmental work of laying cables and other construction works are being executed through contractors only and as such the claim of the workman that he was engaged in 1991 as a mazdoor and then made NMR, are all false and unbelievable. Thus in nutshell it is claimed by the management that the story advanced by the workman is totally false and got up and as such the Management is not under any obligation to reinstate him in service or pay any retrenchment benefits etc.

4. On the basis of above pleadings of both the parties the following issues were framed.

ISSUES

1. Whether the action of the Management of Telecom Department, Angul by terminating the services of Shri B.B. Sahu, NMR without any charges against him is legal and justified?
2. If not to what relief the workman is entitled to?
5. To establish their respective stands each party besides examining one witness each have also relied on some documents marked as Ext.-1 and 2 from the side of the workman and Ext.-A to D/1 from the side of the Management.

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6. These issues are taken up together as they are interlinked.

While the workman claims that he was working continuously on a daily rated labour under the Management from 1991 till he was refused employment on 18-11-1996 the Management on the other hand totally denies the same. Therefore, the moot question that arises for determination is whether the workman was ever engaged by the Management or not?

7. From the Government circular of 1984 issued by Director General, Post & Telegraph marked Ext.-B and that of 1985 marked Ext. A/1 it is crystal clear that prior to issuance of these circulars the Management was in the practice of engaging daily rated mazdoors on casual basis to carry out its various purposes. The Government by issuing the above circulars had asked the Management and its all other subordinate offices not to recruit fresh mazdoors any further after the effectual date and to utilize the existing casual labourers in non-specified cable laying work, line construction work and on all other work of casual nature and to transfer those of the casual labourers engaged on maintenance works to the above noted works. The direction in the circular of 1984 was also to regularize the services of the existing workers. Therefore, from the above it can be well assessed that after 1985 the Management would/could not have recruited any fresh casual labourers as claimed by it in its written statement. Therefore, the assertion of the workman that he was initially given engagement in the year 1991 appears somewhatunbelievable as from another circular of 1985 marked a Ext.-C it appears that after disbanding fresh recruits of casual labourers the above noted work of maintenance and cable laying works etc were entrusted to the contractors.

8. To prove his engagement in 1991 and in the subsequent years the workman having filed certain documents marked Ext.-1 and 2 has deposed that from 5-2-1991 he was engaged as a helper in Rengali Dam site for digging of earth (trench), fixing of telephone wires, cutting of over hanging branches of the trees and on other repair works and for this he used to draw his wages through muster roll regularly each month but for certain unknown

reasons he was refused employment without notice or notice pay etc. from 19-11-1994. But on perusal of the above documents it appears that in true sense they are not the service certificates, rather these are issued in the form of experience certificate for future employment. Besides the purported author of Ext.-2 who has been examined as M.W. 1 has denied to have had issued ever the said certificates. He has disputed his signature appearing in that Ext.-2. Most alarmingly, the Management in its efforts to establish that these documents are created once has relied upon another one such certificates (Ext.-A) which the workman having initially filed did not like to mark the same. This certificate is in a xerox form. A perusal of the same indicates as if on a single day i.e. on 18-11-1996 this certificate and the certificate marked as Ext.-2 were purportedly issued by M.W. 1 on self same subject with remarkable variation in so far as the alleged date of appointment is concerned. Thus issuance of two certificates on a single day by a single person containing two different dates of appointment and the purported author's claim (M.W. 1) that the same have been manufactured with his signature sounds well to make believe a person that the workman has knocked the door of this legal forum with an unclean hand and therefore he deserves no relief at all.

9. Added to all these though in the claim statement the workman stated that he was refused employment with effect from 18-11-1996, he deposed before the Court as if he was refused employment with effect from 18-11-1994. Like-wise document Ext.-2 contains a narration as if he was employed on 21-8-1994 where as his other documents which has been marked from the side of the Management as Ext.-A contains a narration as if he was employed first with effect from 23-7-1996 and the terms of reference is totally silent about any such date making the reference unspecific.

10. Therefore considering all that has been discussed in the earlier paras I am of the confirmed view that the claim of the workman is out and out a got up one and hence he deserves no relief.

11. Accordingly the reference is answered with a note of no relief.

N. K. R. MOHAPATRA, Presiding Officer

नई दिल्ली, 28 अगस्त, 2006

का.आ 3744.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्वास्थ्य योजना के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 9/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-8-2006 को प्राप्त हुआ था।

[सं. एल-42012/186/93-आई आर(डी यू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 28th August, 2006

S.O. 3744.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Government Health Scheme and their workman, which was received by the Central Government on 28-8-2006.

[No. L-42012/186/93-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR**

PRESENTS

Shri A. N. YADAV, Presiding Officer

Case No. 09/2005

Date, 04-08-06

All India Central Government Health Scheme Employees Association, Nagpur Distt. Nagpur Through Its General Secretary.

Versus

The Additional Director, Central Govt. Health Scheme, Nagpur

AWARD

The Central Government after satisfying the existence of disputes between All India Central Govt. Health Scheme Employees Association, Nagpur Distt. Nagpur Through Its General Secarety Party No. 2 and The Additional Director Central Govt. Health Scheme, C.P.W.D. Quarter, Civil Lines, Nagpur, Party No. 1 referred the same for adjudication to this Tribunal. *vide* Order No. L-42012/186/93-IR(DU) dated 10-1-1993 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of I.D. Act with the following schedule :

“Whether the action of the management of Central Government Helath Scheme Nagpur in stopping five annual increment with cumulative effect from July, 1993 of Shri J.R. Khare, Safaiwala, is legal and justified? If not to what relief the workman is entitled to?”

The reference came for hearing before the Tribunal on 03-08-2006 on which the applicant Jagdish Khare was present. Counsel for the management was also present. The applicant Jagdish Khare filed an application requesting to allow him to withdraw the case as the disputes are settled with the management. He was allowed to withdraw and since they have settled regarding the increments which were stopped by the management. Now there are no disputes. Hence the no dispute award is passed on this 4th August, 2006.

A. N. YADAV, Presiding Officer

नई दिल्ली, 28 अगस्त, 2006

का.आ. 3745.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन एअरलाइंस के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय, नई दिल्ली-1 के पंचाट (संदर्भ संख्या 231/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-8-2006 को प्राप्त हुआ था।

[सं. एल-11012/45/99-आई आर(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 28th August, 2006

S.O. 3745.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 231/99) of the Central Government Industrial Tribunal/Labour Court, New Delhi-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Airlines and their workman, which was received by the Central Government on 25-8-2006.

[No. L-11012/45/99-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE SHRI SANT SINGH BAL PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, NEW DELHI**

I. D. No. 231/99

In the matter of dispute between :

Shri Sahib Singh,
R/o B-351, Sarojini Nagar,
New Delhi-110023

... Workman

Versus

The Regional Director,
Indian Airlines,
Northern Region,
Safdarjung Airport,
New Delhi-110012

... Management

APPEARANCES:

Workman in person with his A/R Shri S.L.Hans Advocate.

Ms. Poonam Dass Advocate A/R for Management.

AWARD

The Central Government in the Ministry of Labour *vide* its Order No. L-11012/45/99(C-I) dated 17-11-99 has referred the following industrial dispute to this Tribunal for adjudication :—

“Kya Indian Airlines ke Prabandh Tantra Dwara Shri Sahib Singh ko Varsh 1993 to 1995 ke beech samay

samay par akasmik adhar par typist niyukt kiya jana tatha 2-12-95 se sewa se mukt kar diya jana vidhivat awam nyayasangat hai? Yadi nahin to karamkar kis Rahat ka patra hain?"

"Whether the action of the management in appointing Shri Sahib Singh between 1993 to 1995 from time to time on casual basis as typist and terminating his service from 2-12-95 is legal and justified? If not to what relief the workman is entitled to?"

2. Brief facts of this case as culled from record are that the workman was appointed as a casual typist by the management respondent. He worked for the period w.e.f. 7-9-93 to 4-12-93, 8-12-94 to 16-6-95 and from 28-8-95 to 2-12-95 and from December, 93, to December, 94 and from 17-6-95 to 21-08-95 and other casual typists junior to him were also appointed. It was further averred that the services of the workman were terminated w.e.f. 2nd December, 95 without any notice/notice pay and retrenchment compensation even though he had completed 267 days during the preceding 12 months while typists junior to workman were retained/engaged on casual basis. That sometime in May, 96 the workman was given typing test both in English and Hindi and was declared unsuccessful and notwithstanding the fact that the workman had worked as Typist to the entire satisfaction of the employer. Workman filed writ petition before the Delhi High Court but the same was dismissed to seek alternative remedy under in I.D. Act, 1947. It is further averred that the termination of the workman is in violation of provisions contained in Section 25F, G and H of the I.D. Act and the same is also unfair labour practice and amounts to unfair labour practice under the provisions of the said Act. In view of the above fact it is requested that the order of termination be set aside or quashed being void and illegal and in violation of the provisions of I.D. Act and the workman be reinstated in service by way of direct reinstatement as typist with full back wages with interest @ 25% and the employer be directed to discontinue unfair labour practice against permanent post to deprive the workman of regular employees and besides any other relief as deemed proper is also sought.

3. The case has been contested by filing reply by the management refuting the claims raising preliminary objections that the workman was working as typist on casual daily rated basis with M/s. Indian Airlines and he was at no point of time employed on a regular basis with the management. He was given opportunity to be considered as casual typist along with other casuals but he failed to qualify test both in Hindi and English which was conducted pursuant to the interim order dated 7-12-95 and therefore he was found unfit and was not empanelled for the post of casual daily rated typist. The workman has no locus standi to raise the present dispute. His claim is

liable to be dismissed on account of concealment of facts.

4. Written statement was followed by replication wherein the facts mentioned in the written statement were refuted and the contents of the claim statement were reiterated to be correct.

5. Thereafter evidence was adduced by way of affidavit and workman adduced his evidence and was cross examined as WW 1 and closed his evidence. Thereafter evidence of the management was recorded and management examined Shri Anil Verma who filed his affidavit Ex. MW1/A and was cross examined by the A/R of the workman on behalf of the workman.

6. I have heard A/Rs of both the parties and perused the record meticulously.

7. The contention of the A/R of the workman is that he has worked for 267 days w.e.f. 8-12-94 to 2-12-95 which is more than 240 days in a year and that his services have been disengaged without one month notice and payment of compensation which is in violation of the provisions contained in Section 25F and G of the I.D. Act, 1947 and as such he continued to be in service and it is further contended on behalf of the workman that the High Court order dated 7-12-95 referred to by the opposite party management respondent is not applicable to the case of the workman and is irrelevant for the reasons that the workman was not a party to the writ petition, that only the order dated 7-12-95 only was passed and that the services of the workman were discontinued on 2-12-95 prior to the order dated 7-12-95 and the said order was later on set aside by the High Court during the various writ petition involving matters of helpers vide order dated 12-5-95. The said order applied to the workman on select panel. It did not relate to the category of such workman who were not on the select panel and as such worked for 240 days in 12 calendar months and was reflected in contravention of the provisions of Section 25F of the I.D. Act. He has cited following decisions reported in :—

(1) AIR 1981 Supreme Court, 422 Surender Kumar Verma Vs. The Central Govt. Industrial Tribunal-cum Labour Court, New Delhi and another , (2) AIR 1981 Supreme Court, 427, Dara Singh Vs. The State through Director of Enforcement, New Delhi, AIR 1981, Supreme Court, 1252 , Mohan Lal Vs. Management of M/s. Bharat Electronics Ltd. (1976) 1 Supreme Court Cases 822, The State Bank of India Vs. Shri N. Sundara Money, (1976) 1 Supreme Court Cases, 828, Mohmed Inayatullah Vs. The State of Maharashtra (1980) 3 Supreme Court Cases, 340 Santosh Gupta Vs. State Bank of Patiala but the above cited case laws are not applicable to the facts of this case.

8. On the contrary the above contentions have been refuted by the management contending that the workman was engaged for a short period, that the workman worked on daily rate basis and he was given opportunity to be

considered for employment as casual daily rated typist. He alongwith other daily rated appeared for test but failed to qualify the test and they were not found fit and were not empanelled for the post of casual daily rated typist and he was not engaged as he failed to qualify typing test both in Hindi and English. Which was held in pursuance of the Hon'ble High Court in writ petition No. 4113/94.

9. I have given my thoughtful consideration to the contentions raised on either side and perused the record meticulously.

10. The question which arises for consideration in this case is whether the workman claimant is entitled to be put on select panel of casual typists because he worked for more than 240 days in a year irrespective of the fact that he failed in typing test both in Hindi and English?

11. It is not disputed that the workman worked for the periods from 7-9-93 to 2-12-95 as stated in his claim statement and he has worked for 267 days in 12 months w.e.f. 8-12-94 to 2-12-95 as mentioned above. There is also no categorical denial that the workman has not so worked for 267 days. Workman has admitted in his cross examination on 5-2-2002 that his appointment was for a certain periods and he was unsuccessful in typing test both in English and Hindi in May, 1996. It is also apparent from Ex. M1/WW1 and M2/WW1 that his performance has been very poor having a speed of 20 words per minute (W.P.M.) in English and 3.4 W.P.M. in Hindi. He made 20 mistakes in English and 12 mistakes in Hindi. The contention of the workman that passing a typing test is not essential for being put on the selection panel of casual typists in my view is not tenable for the following reasons:—

(1) that some criteria is to be adopted for judging / testing the efficiency and competency/capability of a typist and in the absence of any test, the typing speed of a candidate cannot be ascertained and no opinion can be formed if a candidate is below average or above average and competent for being selected for the job of typist even if it is not provided in the relevant rules and taking test for selection of the typist or placing him on select list was essential for there cannot be any other suitable criterion.

(2) A candidate an inefficient typist having lesser speed cannot be said to be capable for selection and is not entitled to be put on the select list.

The decision reported in case captioned Santosh Gupta Vs. State Bank of Patiala (1980) 3 Supreme Court Cases 340 is not applicable to the facts of the present case as the post for which workman Santosh Gupta was appointed was not of typist which requires efficiency and competence to do the job.

12. It is also proved that the workman was engaged by management on daily rated basis as typist for short duration due to exigency of services and for sporadic absentism of regular employees in the year 1993 to 1995 as

averred in the affidavit of Shri Anil Verma MWI which has gone unrebutted on record. It is proved that he has failed in typing test both in English and Hindi indicating his incompetence and inefficiency. His contention that direction of the Delhi High Court order dated 7-12-95 in Writ Petition No.4113/94 for preparation of the panel for empanelment of casual typists is not applicable to him is also besides the point and does not hold good as select list so prepared and has not been shown to be incorrectly and wrongly prepared. I am of the opinion that the workman is also not entitled to be appointed/engaged as Typist in view of the observation of the Supreme Court in a decision reported in 2006 (4) Scale 197 captioned as Secretary, State of Karnataka and others Vs. Uma Devi wherein it was observed that an engagement or appointment on daily wages or casual basis would come to an end when it is discontinued. His engagement has come to an end on 2-12-95 on the expiry of his term for which he was appointed as casual typist. He was not found fit and competent to be placed on the panel (select list) of Typist for appointment to the regular post as and when available. There is no material on record that he was selected for the post of Typist in accordance with the prescribed procedure as per rule by competent authority. His appointment to a regular post on the basis that he has worked for 240 days in a year during the period 1993- 1995 with breaks w.e.f. 8-12-94 to 2-12-95 is not in accordance with the prescribed procedure and hence the action of the management in not appointing him and terminating his service is not found fault with and held to be legal and justified. Reference is answered accordingly. File be consigned to record room.

S. S. BAL, Presiding Officer

Dated : 7-8-2006.

नई दिल्ली, 28 अगस्त, 2006

का.आ. 3746.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लिववैल एविएशन सर्विसेज के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, मुम्बई-I के पंचाट (संदर्भ संख्या 15/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-8-2006 को प्राप्त हुआ था।

[स. एल-11012/25/2002-आई आर(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 28th August, 2006

S.O. 3746.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2002) of the Central Government Industrial Tribunal/Labour Court, Mumbai-I, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Livewel Aviation Services and their

workman, which was received by the Central Government on 25-8-2006.

[No. L-11012/25/2002-IR (C-I)]

S. S. GUPTA, Under Secy.

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1, MUMBAI**

Present :

Justice Ghanshyam Dass, Presiding Officer

Reference No. CGIT-15 of 2002

Parties :

Employees in relation to the management of
M/s. Livewel Aviation Services

And

Their workmen

APPEARANCES :

For the Management : Mrs. Purav, Adv.

For the Union : Absent.

State : Maharashtra

Mumbai, dated the 9th day of August, 2006.

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) *vide* Government of India, Industry of Labour, New Delhi Order No. L-11012/25/2002-IR (C-I) dated 11-9-2002. The terms of reference given in the schedule are as follows :—

“Whether the action of the management of M/s. Livewel Aviation Services, Mumbai, in dismissing the services of Mr. Shankar Hanumantha Kunchikurve, helper, with effect from 20th November, 2001 is legal and justified? If not, to what relief is the workman concerned entitled?”

2. The workman filed his statement of Claim dt. 26-5-2003 and submitted that he joined the Livewel Aviation Services (hereinafter referred to as the Company) as a Helper w.e.f. 1-1-1998. In fact the Company has been employing several persons in the categories of loaders, cleaners, sweepers, peons and other employees in different categories of Airport operation area of Indian Airlines. The workman was one of the aforesaid employees. The Company is a contractor of the Indian Airlines who is the principal employer. The employment is made for intermittent periods in a regular manner by rotation since the work of loading and unloading is of perennial nature. The employees are not being confirmed or regularized by the Company despite several demands, the workman joined with Mumbai Mazdoor Sangh along with other co-workers and

demanded for regularization. Instead, the Company started harassing the workman. The workman remained absent in the year 2000 on account of ill health and personal difficulties for which he applied for leave but it was not entertained. The workman was charge-sheeted for absence *vide* charge-sheet dt. 4-6-2001. The enquiry was conducted by the Company in which Mr. K. P. Gurav, Advocate was appointed as Enquiry Officer and Shri Siraj Khatri, Administrative Manager was appointed as the Representing Officer. The enquiry was defended by the workman by his Defence Representative Mr. K. U. Kamble. The enquiry was conducted against the rules of principle of natural justice. He was wrongly held guilty and wrongly dismissed from service.

3. The Company filed its written statement dt. 11-9-2003. The allegations made by the workman are being denied. The termination from service is alleged to have been made after holding a just and proper enquiry and after giving every opportunity of hearing and every opportunity of defending the enquiry through Defence representative. The workman had absented unauthorisedly for 215 days during the year January 2000 to April 2001. He was charged accordingly for violation of clause 14(e) for habitual absence.

4. The workman remained present before this Tribunal to contest the matter up to 9-9-2004. The workman remained absent since then. With a view to give an opportunity to the workman, the notice was issued by this office *vide* order dt. 20-6-2006. The notice was served personally upon the workman but to utmost surprise the workman did not appear to contest the matter before this Tribunal even after personal service meaning thereby he is not interested in the matter in hand. Hence, no option is left but to hear the matter ex parte. The Company filed the affidavit of Shri. Siraj Khatri in support of its case. He is the Administrative Manager of the Company. He stated that the service of the workman has been terminated after holding a proper enquiry and after giving every opportunity of hearing and to defend himself through Defence Representative. The workman remained absent on 62 occasions during the span of 16 months and even remained absent for more than 10 days on 5 occasions. The charge of misconduct is proved on record.

5. Considering the record, I find no evidence to disbelieve the evidence of Mr. Siraj Khatri at this juncture. The contention of the workman that he remained absent on account of sickness or personal difficulties is not substantiated on record. There is no evidence to infer that the enquiry is not just and fair. The finding of the Enquiry Officer is based on evidence available on record.

6. Hence, I conclude that the action of the Management of M/s. Livewel Aviation Services in dismissing the services of Shri S. H. Kunchikurve w.e.f 20-11-2001 is legal and justified.

7. The Award is made accordingly.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 28 अगस्त, 2006

का.आ. 3747.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कानपुर के पंचाट (संदर्भ संख्या 69/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-8-2006 को प्राप्त हुआ था।

[सं. एल-12012/1/95-आई आर(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 28th August, 2006

S.O. 3747.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 69/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 25-8-2006.

[No. L-12012/1/95-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SRI SURESH CHANDRA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SARVODAYA NAGAR, KANPUR, U.P.

Industrial Dispute No. 69 of 2002

In the matter of dispute between:

Sri Tika Ram son of Sri Bhiki Lal
R/o 339/3 Ambedkar Colony Near Ramlila
Maidan Govind Nagar Thana Mathura
Post Krishna Nagar Mathura.

And

The Manager
Bank of Baroda
Main Branch Kotwali Road
Mathura-281001.

AWARD

1. Central Government, Ministry of Labour, New Delhi, *vide* notification No. L-12012/01/95/IR(B-II) dated 21-3-01 has referred the following dispute for adjudication.

1. "Whether it is a fact that Sri Tika Ram son Sri Bikki Lal was engaged by the management of Bank of Baroda as sub staff waterboy for a period of 294 days during 16-8-83 to 6-9-91 and that he has completed 240 days in a calendar year preceding the date of termination of his services?

2. Whether the action of the management in terminating the services of the disputant in the year 1991 is legal and justified?

3. Whether there has been any violation of Section 25 G and H of the I. D. Act 1947 on the part of the management?

4. If so, what relief is the disputant concerned entitled?"

2. At the outset it may be pointed out that the instant industrial dispute was initially referred to CGIT cum Labour Court, Lucknow, which was later transferred to CGIT cum Labour Court, Kanpur, on the application of the applicant by the appropriate government *vide* its order dated 26-8-02.

3. Case insert as set up by the applicant in his claim statement is that he was engaged by the then branch manager of Bank of Baroda on 16-8-85 in branch office at Kotwali Mathura as sub staff and as branch manager he was competent to appoint the workman. It has been alleged by the workman that he was being paid his wages by the opposite party bank regularly.

It has further been alleged by the workman that he worked continuously during the period 16-8-85 to 6-9-91 and that he worked more than 240 days during the said period. The opposite party bank in an illegal manner had terminated the services of the workman without any notice or retrenchment compensation. Therefore, the workman is entitled to be reinstated in the services of the bank with full back wages and all consequential benefits together with seniority.

4. The claim of the workman has been contested by the opposite party bank which has filed a detailed written statement against the statement of claim. It has been pleaded by the opposite party bank that during the year 1991 there were acute water scarcity in the month of summer at Mathura Branch of the bank therefore extra arrangement for water was made. It has been admitted by the opposite party bank that the workman worked at Mathura Branch of the bank as water boy on casual basis to fetch water which was purely casual and intermittent work and in this way the workman in all had worked only for 70 days. Workman did not hold any regular and permanent post in the bank in any cadre. Workman was free to attend the bank without any foundation and there was no fixed time for the workman. Workman was never appointed in the bank and that the branch manager of Mathura Branch was not having pay right or authority to engage the workman. Workman was never issued any appointment letter by the opposite party bank. Workman had worked only on casual basis to fetch water on day to day basis. His working hours were not fixed by the bank and the same was depending on the sweet will of the workman. Opposite party had never terminated the services of the workman w.e.f. 6-9-91. It has also been alleged that as the workman was never appointed by the opposite party bank question of termination of his services does not arise at all. Opposite party bank has also disputed the relationship of master and servant between the bank and the workman. It is also pleaded that the workman had never been governed by the rules applicable to permanent and regular employee of the bank. The appointment in opposite party bank are made according to

recruitment rules and that the workman had never undergone any selection process. Opposite party bank has also denied the continuous working of the workman and has also pleaded that the workman had never worked continuously for 240 days, therefore, question of applicability of Section 25F of the I.D. Act in the case of the workman does not arise at all. On the basis of above pleadings it has been alleged that the workman is not entitled for any relief and the claim of the workman is liable to be rejected.

5. Workman has filed rejoinder affidavit against the written statement filed by the opposite party bank in which it has been pleaded by the workman that the Regional Manager of the opposite party bank wrote a letter dated 14-6-94 to the Assistant General Manager of opposite party bank stating that the workman had worked for 240 days at its Mathura Branch. It is also pleaded by the workman that during the period the workman was in the service of opposite party bank, opposite party bank appointed several other persons like Sri Krishna Dutta Sharma, Shyam Kumar Agrawal, Upendra Kumar and Balmukund but these junior persons were allowed to work in the bank whereas the services of the workman were dispensed by the opposite party bank without any authority or right in an arbitrary manner. It has also been pleaded that Sri Krishna Dutta Sharma after his services were terminated by the opposite party bank raised an industrial dispute No. 215. of 1989 before this tribunal and the total working days of Sri Krishna Dutta Sharma was only 58 days yet on the basis of settlement filed before the Tribunal, the services of said Krishna Dutta Sharma were regularised and he was posted and appointed in the opposite party bank, likewise other junior persons viz Upendra Kumar, Balmukund etc. had been regularised in the services of the opposite party bank without affording any opportunity to the workman for his re-employment and in this way the opposite party bank breached the provisions of Section 25H of Industrial Disputes Act, 1947. Opposite party has also breached the provisions of section 25G of Industrial Disputes Act, 1947 when junior to the workman were retained in the services whereas workman being the senior was retrenched by the opposite party. It has further been pleaded by the workmen that for availing the benefit of Section 25G and 25H of Industrial disputes Act, 1947. It is not necessary that a workman should have completed one year continuous service within the meaning of Section 25G of the Act and that the provisions of Section 25G and H are quite independent to that of Section 25-F of the Act. Since the management had violated the above provisions in the case of the workman his termination is liable to be set aside and he is entitled to be reinstated in the services of the bank.

6. In the instant case after exchange of pleadings between the parties, the workman under the orders dated 10-12-2001 of the tribunal filed his evidence on affidavit on 1-8-02 and the copy of the same was given to the authorised representative the same day who was present before the tribunal, and the case was listed for admission and denial of documents by the respective authorised representatives of the contesting parties.

7. It is to be noted that the present industrial dispute was transferred to this tribunal under the orders dated 26-8-02 of the appropriate government and some how the case was fixed for evidence of the parties. It is interesting to note that evidence of the workman was filed on affidavit in presence of authorised representative for the management and the copy of the same was handed over to him. Under these circumstance as it was the duty of the authorised representative for the management to have pointed out before the tribunal that as the workman has filed his evidence on affidavit therefore he may be allowed to cross examine the workman on the basis of his affidavit. But it appears to the tribunal that with ulterior motive the authorised representative did not bring this fact to the notice of the tribunal as a result of which the workman was debarred from his evidence thereupon the representative for the management made a statement before the tribunal that as the workman has not led oral evidence in support of his case management also do not want to adduce any evidence in support of their case. The conduct and behaviour of the authorised representative for the management as above cannot be appreciated at all as she has tried to throw dust in the eyes of the Tribunal by concealing material fact from the tribunal. Under these circumstances the tribunal is bound to hold that there is uncontested evidence on affidavit is available on the record of the case and the management has palpably failed to lead evidence in support of its case. The workman has been able to establish his case that he was appointed by the opposite party bank as peon and he had worked continuously for 240 days and that his termination was in breach of provisions of Section 25-F, 25-G and 25-H of Industrial Disputes Act, 1947. The evidence and case of the workman under the facts and circumstances of the case cannot be disbelieved and it is held that the workman is entitled to be reinstated in services of the bank w.e.f. 6-9-92 with full back wages. Continuity of service and with all consequential benefits. It is also held that the bank has palpably failed to establish its case by way of filling cogent and reliable evidence.

8. From the above discussions, it is held that the action of the management of Bank of Baroda in terminating the services of the concerned workman w.e.f. 6-9-91 is neither legal nor justified and the workman is entitled to be reinstated in service with full back wages, seniority and all consequential benefits.

9. Before parting with it, it may be pointed out that as persons junior to the workman have been regularised on permanent basis in the services of the bank, therefore, it is expected that the opposite party bank will consider the claim of the workman on priority basis on the ground of parity.

10. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 28 अगस्त, 2006

का.आ. 3748.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि भारत सरकार टकसाल, कोलकाता, मुम्बई, नोएडा, चेरलापल्ली (रंगारेड्डी) एवं हैदराबाद में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 11 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/2/2002-आई आर (पी.एल.)]

गुरजोत कौर, संयुक्त सचिव

New Delhi, the 28th August, 2006

S.O. 3748.—Whereas the Central Government is satisfied that the public interest requires that the services in the India Govt. Mints, Kolkata/Noida/Mumbai/Hyderabad/Cherlapally (Ranga Reddy) which is covered by item 11 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purpose of the said Act for a period of six months.

[No. S-11017/2/2002-IR(PL)]

GURJOT KAUR, Jt. Secy.

नई दिल्ली, 29 अगस्त, 2006

का.आ. 3749.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार 3 (सी) 2005 के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण पटना के पंचाट (संदर्भ संख्या मैसर्स जुमात शेख, शीत पहाड़ी को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-8-2006 को प्राप्त हुआ था।

[सं. एल-29011/4/2005-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 29th August, 2006

S.O. 3749.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award [Ref. No.3 (C)2005] of the Central Government Industrial Tribunal-cum-Labour Court, Patna as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Jumat Seikh At-Sit Pahari and their workman, which was received by the Central Government on 23-8-2006.

[No. L-29011/4/2005-IR(M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, PATNA

Reference Case No. 3 (C) of 2005.

Management of M/s. Jummat Seikh, At Sitpahari, P.O. & Dist. Pakur and their workmen represented by the General Secretary, Rashtriya Quarries Khadan Shramik Sangh, Vill. : Telegraph Road, Sahibganj (Jharkhand).

For the Management : None.

For the Workmen : None.

Present : V. Ram, Presiding Officer, Industrial Tribunal, Patna.

AWARD

By adjudication order No. L-29011/4/2005-IR (M) dated 27-04-2005, the Government of India, Ministry of Labour, New Delhi has referred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter to be referred to as 'the Act'), the following dispute between the management of M/S. Jummat Seikh, At Sitpahari, P.O. & Dist. Pakur and their workmen represented by the General Secretary, Rashtriya Quarries Khadan Shramik Sangh, Vill. : Telegraph Road, Sahibganj (Jharkhan) for adjudication to this Tribunal on the following point :

"Whether the action of the management of M/S. Jummat Seikh, At Sitpahari, in Pakur terminating the services of Shri Amrit Seikh, night watchman without complying Section 25F of I.D. Act is legal and or justified ? If not to what relief the above workman is entitled ?."

2. From preusal of record it transpires that on notice issued from this Tribunal Neither any party appeared nor any steps was taken by them since long and hence this Tribunal feels that they are not interested to pursue this references.

3. Under the circumstances I presume that the parties have resolved the dispute among themselves an now no

dispute exists between them. Hence a "No dispute award" is hereby passed.

4. This is my award.
Dictated & corrected by me.

V. RAM, Presiding Officer

नई दिल्ली, 29 अगस्त, 2006

का.आ. 3750.——औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार 10/3 के प्रबंध-तंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट संदर्भ संख्या हट्टी गोल्ड माइन्स को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-2006 को प्राप्त हुआ था।

[सं. एल-43012/1/2002-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 29th August, 2006

S.O. 3750.—In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.10/03) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hutt Gold Mines and their workman, which was received by the Central Government on 22-8-2006.

[No. L-43012/1/2002-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated : 10th August, 2006

PRESENT

Shri A. R. Siddiqui, Presiding Officer

C. R. No. 10/03

I Party

Sh. Venkoba,
Engineering, T No. 99,
Quarter No. NGR 8/6,
HGM Camp,
Hutti, PO Lingasugur,
RAICHUR - 584 115.

II Party

The Executive Director,
M/s. Hutt Gold Mines,
PO Lingasugur, Tq. Raichur,
Hutti (PO),
RAICHUR - 584 115.

APPEARANCES:

I Party	: Shri Muralidhar Advocate
II Party	: Smt. Usha Rani Advocate

2733G/106-21

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* Order No. L-43012/1/2002-IR(M) dated 17-03-2003 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of M/s. Hutt Gold Mines Co. Ltd., Hutt, Raichur Distt, Karnataka State in dismissing Sh. Venkoba Ex T. No. 99 from the services is justified ? If not, to what relief, the workman is entitled to ?"

2. A charge Sheet dated 18-09-1999 was issued against the I party workman on the allegations that on 03-08-1999 at about 10.30 a.m. he along with other employees accosted Sh. B G Shah, General Manager (Technical), abused him in filthy language and followed him to his chamber and standing in front of the office of the said Shah further abused him filthy language and there by committed misconduct under the provisions of the standing orders of the company. The explanation submitted by the I party not being found satisfactory, a Domestic Enquiry was held against him and on the basis of the enquiry findings holding him guilty of the charges of misconduct alleged in the charge sheet, the Disciplinary Authority after giving him an opportunity for personal hearing dismissed him from service.

3. The I party in his claim statement, while challenging the dismissal order as unjust and illegal, the findings of the Enquiry Officer holding him guilty of the charges as perverse and against the evidence brought on record, also, challenged the Enquiry Proceedings held against him on the ground that they were not conducted in accordance with the principles of natural justice and in the light of the provisions of the certified standing orders and that he was not given sufficient and proper opportunity to defend himself.

4. The management by way of counter statement challenged and denied the various allegations made by the I party in his claim statement and asserted that enquiry proceedings have been conducted in accordance with the principle of natural justice and fair and proper opportunity was given to the I party to defend himself. The management further contended that keeping in view the evidence brought on records during the enquiry, the Enquiry Officer found the I Party guilty of the misconduct and based on the above said Enquiry Report copy of which was furnished to the I party and explanation was obtained from him then Disciplinary Authority passed the dismissal order considering the gravity of the misconduct committed by the I party. His appeal against the dismissal order was also dismissed and therefore the enquiry findings were very much supported by the evidence on record and the dismissal

order passed on the basis of the said enquiry findings was just and legal, keeping in view the grave nature of the misconduct committed by the I party and therefore reference is liable to be rejected.

5. Keeping in view the respective contentions of the parties with regard to the validity and fairness or otherwise of the Enquiry Proceedings this tribunal on 13-09-2004 framed the following preliminary issue :

“Whether the enquiry conducted by the II party against the I party is fair and proper ?”

6. During the course of the said preliminary issue, the management examined Enquiry Officer as MW 1 and got marked Ex M-1 to Ex M-14 including the charge sheet, proceedings and findings of the enquiry officer as well as the dismissal order. The I party on his behalf examined himself as WW 1 and got marked two documents at Ex M-15 and Ex M-16 in the cross examination of MW 1.

7. After hearing the learned counsels for the respective parties, this tribunal by order dated 15-05-2006 answered the above said issue in the negative holding that the Domestic Enquiry held against the I party by the II party is not fair and proper. To prove the charges of misconduct the Management examined two witnesses as MW 2 and MW 3 and I party he way of rebuttal examined himself as WW 1 in addition to his statement already given on the point of enquiry issue.

8. Statements of MW 2 in his examination in chief made by way of filing an affidavit relevant for the purpose is that as a Security Officer on 03-08-1999 at about 10.40 a.m. he received a phone call from General Manager (Technical), staff stating that employees had gathered in front of General Manager (Technical) office, and there was likelihood of some trouble and therefore he along with Raya Reddy and Kamal Nadaf, Security Guard came to the said office at the above said office and saw 10—15 people in front of the said office shouting in anger and that among them I party Venkoba, Ramana and Chandra Shekar were also present. He further stated that employees were in agitating mood and were insisting to meet General Manager and one Mr. Shafi requested the above employees to leave the office premises. The next witness MW 3 is said to be the Security Guard namely Kamal Nadaf in his affidavit has stated that on 03-08-1999 at about 10.40 a.m. he accompanied the Security Officer (MW 2) along with Mr. Raya Reddy and went to General Manager office and there they saw 10—15 people standing at the entrance of General Manager office and the Security Officer told him to guard the entrance door and not to allow any body inside the office. He then stated that about 7 - 8 people came to him and asked him that they wanted to see General Manager and he told them that he has been asked not to allow them inside the office and there after they left the place.

9. The I party who also filed affidavit by way of examination in chief and while speaking to the incident on

hand he stated that on 03-08-1999 one of his colleagues in Engineering Department was transferred in Chitradurga Gold Unit and since that was not done in routine course, they requested Mr. B G Shah, General Manager to cancel the transfer order. This was not taken kindly by Sh. B G Shah and thereafter he was issued with a charge sheet dated 18-09-1999 with false and baseless allegations and ultimately he was dismissed from service.

10. I would like to refer to the statements of MW 2, 3 and WW 1 in their cross-examination when appropriate.

11. Learned counsel for the I party Sh. Muralidhar argued that charges of misconduct as alleged in the charge sheet have remained to be substantiated in the oral evidence of MW 2 and 3 and that the main competent witness Sh. B G Shah, the alleged victim in this case and on whose complaint charge sheet was issued against the I party since has not been examined before this tribunal, charges of misconduct have gone unproved. He also contended that the statement of MW 2 that I party along with 10-15 people came in front of the office of said General Manager and shouted in anger also has not been supported rather has been falsified in the statement of MW 3 as he did not speak to the above said fact though he was said to be along with MW 2 at the relevant point of time. He also submitted that as per the complaint which has been marked as Ex M-2 during the course of trial on the Domestic Enquiry one Mr. Shafi was said to be present along with the I party and others and was the competent witnesses to speak to the incident, has also not been examined by the management and therefore charges of misconduct not being proved, the order dismissing the I party from the services is liable to be set aside as illegal and void reinstating him into service with consequential benefits.

12. Learned Counsel Smt. Usha Rani for Sh. N S Rajaram on the other hand submitted that keeping in view the evidence brought on record this court may proceed to pass award.

13. After having gone through the statements of MW 2 and MW 3 I find very much substance in the arguments advanced for the I party. First of all the main important and competent witness who should have spoken to the charges as alleged in the charge sheet namely the said General Manager, Sh. B G Shah, said to be the victim in this case has not been examined before this tribunal for the best reasons known to the management. Not only he was not examined but also there was no witness examined before tribunal to speak to the recitals of the aforesaid complaint at Ex M-2 said to have been made by B G Shah to the then General Manager reporting the incident on hand. That apart, if we go through the contents of the above said complaint there is no consonance with the contents and allegations made in the charge sheet leveled against the I party. The Charge Sheet allegations are very vague in nature, just to say that the I party and others shouted and

abused in filthy language to the above said General Manager. No where there is mention of what abusive language was used by the I party or for that matter by others against Mr. Shah. Whereas the complaint makes mention of the abusive word as "Loude Ka....." Now coming to the testimony of MW 2 and 3 they have not spoken to said abusive word much, less any other abusive words used against Mr. Shah. The sum and substance of MW 2 as noted above was that about 10—15 people gathered in front of the office and among them I party was also present there shouting in agitating mood. He uttered no single word throughout his affidavit that I party or anybody present along with him abused said Mr. Shah using filthy words. Similar is the statement of MW in his affidavit no where stated that these 10 to 15 people including the I party gathered in front of the office of Mr. Shah abused Mr. Shah in filthy words. On the other hand, statement of MW 3 would falsify the statement of MW 2 even to the extent that I party and others were shouting in anger and were in agitated mood, MW 3 though was said to be along with MW 2 even as per the statement of MW 2 except to say that there were about 10 to 15 people standing at the entrance of General Manager office and MW 2 asked him not to allow them inside the General Manager office stated nothing in his affidavit. Neither he stated that the I party along with others shouting in anger nor he stated that any abusive words were used against Mr. Shah. It is in this view of the matter we find very much substance in the defence taken by the I party that he along with few others including one Mr. Chandra Shekar had met Mr. Shah questioning the transfer of Mr. Chandra Shekar which according to him was not in a routine course and this questioning of him not being taken kindly by Mr. Shah, charge sheet was issued against him. Therefore, in the light of the above, I am of the considered view that charges of misconduct against the I party have remained to be proved miserably by the management and in the result, the dismissal order passed against the I party is not sustainable in law and therefore is illegal and void.

14. Since the order of dismissal is held to be illegal and void the natural consequences to be followed would be the reinstatement of the I party into the services of the management setting aside the impugned dismissal order passed against him.

15. Now coming to the question of back wages though primary burden was cast upon the management to prove that the I party has been gainfully employed when was away from the services of the management, the affidavit of the I party is also silent on the point that he has not been gainfully employed subsequent to the order of dismissed passed against him and as on today. Therefore, under the facts and circumstances of the case, it appears to me that ends of justice will be met if the I party is reinstated into the service without back wages from the date of dismissal till the date of reinstatement, of course, with all other consequential benefits. Hence, the following award :

ORDER

The management is directed to reinstate the I party workman into its service to the post he held at the time of dismissal with all consequential benefits but without backwages from the date of dismissal till the date of reinstatement.

(Dictated to L D C, transcribed by him, corrected and signed by me on 10th August 2006)

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 29 अगस्त, 2006

का.आ. 3751.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रसार भारती ब्राडकास्टिंग कार्पोरेशन आफ इंडिया के प्रबंधसंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 341/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-8-2006 को प्राप्त हुआ था।

[सं. एल-42012/114/2003-आई आर(सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 29th August, 2006.

S.O. 3751.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 341/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the management of Prasar Bharati Broadcasting Corporation of India, and their workman, received by the Central Government on 29-8-2006.

[No. L-42012/114/2003-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 12th April, 2006

Present : K. Jayaraman, Presiding Officer

Industrial Dispute No. 341/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Prasar Bharati Broadcasting Corporation of India and their workmen)

BETWEEN

The General Secretary, : I Party/Claimant
Broadcasting Engineering
Employees' Union

AND

The Administrative Officer, : II Party/ Management
 Prasar Bharati Broadcasting
 Corporation of India, Chennai.

APPEARANCE

For the Claimant : M/s. V. Prakash, Advocates
 For the Management : Mr. M. Venkatesawaran,
 ACGSC

AWARD

The Central Government, Ministry of Labour *vide* Order No. L-42012/114/2003-IR(CM-II) dated 5-4-2004 has referred the dispute to this Tribunal for adjudication. The Schedule mentioned dispute is as follows :—

“Whether the claim of the Broadcasting Engineering Employees' Union over the issue of transfer of the protected workman and non-payment of salary to Shri Ayyasamy, General Secretary of the Union from 11-10-2002 to till date by the management of Broadcasting Corporation of India, Doordarshan Kendra, Chennai is legal and justified? If so, to what relief the workmen are entitled to?”

2. After the receipt of the reference, it was taken on file as I.D. No. 341/2004 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner Union in the Claim Statement are briefly as follows :—

The Petitioner union espouses the cause of Sri Iyyaswamy, General Secretary of the union. The Prasar Bharati Act, 1990 came into force on 15-9-97 and Prasar Bharati Broadcasting Corporation of India was established on 23-1-97. The employees of All India Radio and Doordarshan were deemed to be on deputation with the Corporation. The employees of the said corporation associated themselves to form a trade union and the Petitioner trade union was formed on 5-10-98 and registered under Trade Union Act bearing registration No. 2670/CNI. It was formed for the welfare and general upliftment of conditions of service of employees employed under Corporation and it is the only trade union representing engineering employees of Corporation. On 24-4-98 the concerned employee was transferred to Low Power Transmitter, Belgaum on promotion as Assistant Engineer. The concerned employee challenged the order of transfer in O.A. No. 10 11 of 2000 before Central Administrative Tribunal. On 5-10-98 the Petitioner union was formed and on 6-11-98 the General Secretary gave letter forgoing promotion and sought to be retained in Chennai, but the Respondent/Management proposed to relieve him on 20-11-98 and on 17-11-98 the Petitioner union informed the

Respondent/Management about formation of the union. But even in spite of this, the Respondent/Management sought to relieve him on the ground that there are surplus posts. But on the other hand, on 23-11-98 the Respondent/Management transferred two Senior Engineering Assistants namely Mrs. Mohanambal and Sri Ekambaram to fill up two Senior Engineering Assistant posts. On 10-2-99 the concerned employee was transferred from DDK Chennai to LPT Ranebennur which was also challenged by concerned employee in O.A. No. 10 11/2000 and it was allowed by Central Administrative Tribunal on 4-1-2001 on the ground that Prasar Bharati Corporation has no power to transfer the employees who are deemed to be on deputation and the staff still continue to the Govt. servants. Even prior to that one Mr. Uttandavan, President of union has filed a W.P. No. 3512/99 and got interim order for salary. Therefore, the Petitioner also sought for the same benefit and the same was not being given to him. On 21-4-99 the concerned employee made a representation seeking to be retained at Chennai as against any vacancy that may arise. On 20-6-2000 the Petitioner union raised a dispute relating to non-payment of salary to the concerned employee. The concerned employee joined the DDK Chennai on 5-1-2001 after the O.A. No. 1011/2000 was allowed. But again, on 14-3-2001 once again, he was transferred to LPT, Ranebennur which is in Karnataka and in the mean time, against the order of O. A. No. 1011/2000, the Respondent/Management filed a W.P. No. 8502/2001. Even though the promotional order coupled with transfer was issued to concerned employee posting to LPT Ranebennur, the said order was not given effect to. But, strangely on 30-31-2002 the concerned employee once again issued the order of transfer, transferring him as Senior Engineering Assistant to Gulbarga. But, as against this the concerned employee made representation in February, 2002 and filed a W.P. No. 6961/2002 in March, 2002. On 17-9-2002 the High Court allowed the W.P. No. 8502/2001 holding that it has power to transfer the deemed deputationists, hence on 8-10-2002 the concerned employee was issued with relieving order asking him to join at Gulbarga and he was relieved on 10-10-2002. But in view of the fact that there was stay for two weeks in W.No. 6961/2002 filed against the order of transfer to Gulbarga, the contempt application No. 881/2002 was filed which was dismissed along with the W.P. The Petitioner union raised an industrial dispute for his salary from 11-10-2002, which was referred to this Tribunal after the failure of conciliation. In July, 2003 the High Court of Madras dismissed the Writ Petition No. 6961/2002 referred to above giving liberty for the Petitioner to seek relief before the appropriate forum. After the dismissal of W.P. No. 6961/2002 on 15-12-2003, the concerned employee has been transferred from LPT Ranebennur to LPT Chidambaram but the order of transfer was not communicated to the concerned employee. Hence, the Petitioner union seeking relief for payment of salary to the concerned employee for the period from 11-10-2002. The

Petitioner further contended that since the concerned employee having been promoted and transferred as Assistant Engineer to Belgaum and he having forgone promotion, he should have been retained at Chennai. Just acting upon the waiver of promotion but still persisting in the transfer was neither reasonable nor fair and is arbitrary and unjust and opposed to Article 14 of the Constitution of India. Before 11-10-2002, the concerned employee was communicated with the order of promotion posting him to LPT Ranebennur as Assistant Engineer and on 8-10-2002 he was issued with relieving order asking him to join at DDK, Gulbarga as Senior Engineering Assistant. Therefore, the relieving order amounts to reversion without any notice. Therefore, the concerned employee could not be expected to work in lesser post when even according to the Respondent/Management he would be Assistant Engineer and the relieving order of 8-10-2002 is in conflict with promotion order of 14-3-2001 and also the order of transfer on 30-1-2002. The concerned employee as a General Secretary of the union and the arbitrariness with which he was treated confirms that he was victimized. Hence, the Petitioner union prays that an award may be passed holding that the concerned employee is entitled to full salary and all benefits.

4. As against this, the Respondent in its Counter Statement contended that the Respondent/ Management has no knowledge about the registration of Petitioner union. The details/particulars regarding registration number, names of members, office bearers, bye laws, area of operation have not been communicated to the Respondent till date. Hence, the Petitioner union is not a recognized staff association by the department like other association. There are only two recognized staff association for the non-gazetted engineering employees of AIR and Doordarshan. Though the Prasar Bharati came into existence with effect from 23-11-97, the employees working in All India Radio and Doordarshan are still Govt. Servants on deemed deputation and governed by CCS Rules. Therefore, the Petitioner association cannot sustain this claim petition. The non-gazetted Engineering Staff of Respondent/Management are liable for transfer on completion four years at a particular place. While the case of promotion of Assistant Engineer, transfer/posting is done on All India basis. The concerned employee is a non-gazetted employee and is working at Chennai since 1980. He was promoted to the post of Assistant Engineer and posted to LPT, Belgaum by the cadre controlling authority by an order dated 24-4-1998. Right from the day of receipt of order from New Delhi, the Respondent tried its level best to serve the same to the Petitioner through usual procedure, but could not succeed as the Petitioner refused to accept the order under some pretext or the other. No doubt, the promotion order sent to his residential address by registered post on 16-10-98, which was not returned by postal authorities. However, the concerned employee neither joined at LPT, Belgaum nor submitted any

representation. On previous two occasions also, the Petitioner was promoted by DG, AIR, New Delhi and on both the occasions, he refused to accept the promotion and on third time, he did not submit any representation for six months till he was communicated about his relief from the Respondent Kendra or thereafter. Owing to necessity of leadership at LPT, Belgaum and to comply with Directorate's instructions, his relief from Kendra was inevitable in the interest of service and it was decided to relieve the Petitioner w.e.f. 20-11-98. But having come to know that his relief is imminent, suddenly on 6.11.98 he submitted a representation for his retention at Chennai on domestic/health grounds without any supporting evidence to substantiate his claim. The said representation was not accepted by the competent authority. Though the Petitioner union alleged that union was formed in October, 1998, in the representation dated 6-11-98 the concerned employee has not mentioned anything about his status in the union and requested for retention at Chennai on that ground. The relieving order was not received by the Petitioner in the normal course and it was sent by registered post and the same was returned undelivered. Therefore, a memo dated 12-11-98 was issued in which it was required to explain reasons for refusing to receive the relieving order and for the long delay in submitting a representation after issuance of relieving order. However, as usual, he refused to accept this memo also and the same was sent to him to his residential address by registered post, which was also returned by postal authorities with an endorsement 'party out of station- address not known'. Again, the same was sent by courier service which was also returned with remarks 'nobody is there in this name'. In the meantime, Directorate General, New Delhi considered his representation and informed the Respondent Kendra *vide* letter dated 11-1-99 that there was no vacant post of Senior Engineering Assistant available and hence, he may be relieved. Accordingly, the Respondent/Management based on the representation dated 2-12-98 posted him to LPT, Ranebennur, but as usual, the same was returned undelivered by postal authorities. As per the direction of Directorate General, the concerned employee was asked to furnish medical certificates and documentary evidence for considering his request *vide* memo dated 17-8-99. But, here again, the said memo was returned by the postal authorities with an endorsement 'party out of station — returned to sender'. This clearly shows the reluctance of the concerned employee to receive any communication from the Respondent/Management. After the relieving order dated 20-11-98, the concerned employee has neither reported for duty at Belgaum nor applied for any leave to the Respondent and he was keeping quiet for about two years. In the mean time, a batch of cases bearing O.A. No. 293/2000 were filed before Central Administrative Tribunal, Madras bench by some of the staff challenging the transfer/redeployment orders issued by Prasar Bharati to various employees and the Tribunal by its order dated 25-8-2000 held that Prasar

Bharati has no jurisdiction to transfer the employees. On coming to know about the said judgment, the concerned employee who was keeping quiet for about two years after his relieving order tried to take shelter under the cover of Prasar Bharati Act and filed a O.A. No.1011/2000 on 6-9-2000. The Hon'ble Central Administrative Tribunal allowed the same by its order dated 4-1-2001. Immediately, on the next day i.e. 5-1-2001 employee reported for duty and the Respondent/Management has also allowed concerned employee to Join duty The High Court In WPMP No.12073/2001 in W.P. No.8502/2001 granted interim stay of operation of the order of Central Administrative Tribunal and the Division Bench allowed the W.P. on 17-1-2001. The Petitioner who joined after the order of Central Administrative Tribunal on 5-1-2001 filed another O.A. before the Central Administrative Tribunal in O.A. No.389/2002 seeking direction for payment of arrears of salary for the period from 21-11-98 to 4-1-2001, but it was dismissed; at the admission stage itself on the ground that his absence from duty was unauthorised one. In the mean time, the concerned employee was transferred to DDK, Gulbarga in the same capacity by an order dated 30-1-2002. However, this order was not implemented as the matter was subjudice and in W.P. No.8502/2001 final order was passed on 17-9-2002 in which the High Court has held that Prasar Bharati has got jurisdiction to transfer employees, even though the employees are Govt. servants and option is yet to be exercised by them. In view of the order of transfer to Gulbarga, the concerned employee was relieved of his duties of Respondent/Management w.e.f. 10-10-2002. But, the concerned employee has neither reported for duty at Gulbarga nor submitted any leave application, but he was approaching different forum for the same relief under the pretext as a protected workman. Further, the concerned employee filed a Writ Petition No.6961/2001 before High Court of Madras claiming himself as protected workman and that he should not be disturbed. But, the High Court by its order dated 16-7-2003 dismissed the said petition on the ground that the Petitioner had not chosen to state all the anterior facts and proceedings taken place before various forums and he has not taken the ground that he is a protected workman and hence the W.P. was dismissed. Contempt Petition bearing CP No. 881/2002 in W.P. No. 6961/2002 filed by concerned employee against his relief was also dismissed by the High Court by an order dated 16-7-2003. The concerned employee neither reported for duty at the transferred place nor submitted any leave application. The concerned employee filed clarification petition *vide* WPMP No. 8149/2003 in W.P.No.8502/2001 for payment of salary for unauthorised absence period. However, the High Court *vide* order dated 17-3-2003 rejected his claim for salary on the ground that it is not considered necessary. Even in his representation, the concerned employee sought posting at Chennai only on medical grounds and not as protected workman. Hence, the allegations now invented by the concerned employee is

only with a view to mislead this Tribunal. Therefore, the action taken by the Respondent is in order and at no stretch of imagination, it can be termed as unreasonable, unfair or arbitrary and violative of Article 14 of Constitution of India. No doubt, the Respondent/Management has sent order of promotion to the concerned employee, but the concerned employee has neither accepted the promotion and joined at the place of posting nor submitted any representation and was keeping quiet for about a year. He was working only Senior Engineering Assistant on the date of relief i.e. on 10-10-2002. The concerned employee has never joined at any of the transferred places. Further, the contention of the Petitioner union are imaginary and are not entitled to them. As per the existing rules, the facilities are available only to recognized association/union and since the Petitioner union is not a recognised one by the department, the Petitioner is liable for transfer like other Govt. servants. Since the concerned employee did not join the transferred place, nor did he submit any leave application in respect of his absence, he could not get his pay and allowance for which the Petitioner has to be blamed. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. In these circumstances, the points for my consideration are :—

- (i) "Whether the claim of the Petitioner union for the issue of transfer of protected workman and non payment of salary to Sri Iyyasamy, General Secretary of the Union from 11-10-2002 till date by the Respondent/Management is legal and justified?"
- (ii) "To what relief the concerned workman is entitled?"

Point :

6. In this case, the Petitioner Union claimed that the order of transfer made by the Respondent/Management against Mr. Ayasamy is not valid on the ground that Sri Ayasamy was the General Secretary of the Petitioner union and he is a protected workman as per I. D. Act and therefore, even though the Respondent/Management alleged that he has been relieved from 10-10-2002, he is deemed to be in service from 11-10-2002 and he is entitled for payment of salary from 11-10-2002 till date. For this, they have alleged so many grounds that transfer order is not valid and on behalf of the Petitioner Union, Vice-President of the Petitioner union Smt. K.Mymoona and concerned employee Sri Iyyaswamy were examined as WW 1 & WW2 respectively.

7. As against this, the Respondent/Management contended that even though the Respondent/Management has promoted and posted him to several places, he neither received the order of promotion of transfer nor joined the new station and he further filed so many litigations against

the transfer in various forums and this clearly established his attempt to avoid his transfer by some means or other. Since the Petitioner is holding transferable post, he cannot avoid the transfer and his allegation that he has been elected as General Secretary of the Petitioner union is an afterthought and no details of formation of union or total number of members of the union were intimated to the Respondent/Management. Under such circumstances, the claim of the Petitioner union that he is a protected workman and question of transfer is not valid. Hence, there is no illegality as alleged by the Petitioner union. Further, the retention of members of recognized union/association in Headquarters is only a facility which may be extended and it is not a right nor is a statutory enforceable rule. The retention of members/office bearers of union/association is not required to be followed in all cases of transfer. All public servants whether working as office bearers of their union/association or not are liable to be transferred. Further, though the concerned employee claimed salary from 11-10-2002 since he has not joined the new station nor submitted any leave application for the period of absence, therefore, he is not entitled to salary as claimed by the union on the principle of 'No work - No pay'. Hence, the claim is not maintainable before this Tribunal.

8. But, on the side of the Respondent no witness was examined nor document was filed before this Tribunal. On the side of the Petitioner 35 documents were filed, which are marked as Ex. W1 to W35. Though, in this case, the reference was made with regard to union's dispute over the issue of transfer of protected workman, in the Claim Statement the union has not taken the stand that transfer is not valid on the ground of transfer of a protected workman. The union has raised the issue questioning the transfer on two grounds. The first ground they alleged is that the concerned employee has been transferred and promoted as Assistant Engineer, Belgaum and he having foregone the promoting, he should have been retained at Chennai. Further, In case, the Respondent/Management was keen that the concerned employee should go on transfer, they should have made it clear, to him that he will have to suffer transfer in which case, the concerned employee could have gone, in the promoted post. But on the other hand, acting upon, the waiver of promotion but still persisting in the transfer was neither reasonable nor fair and it is arbitrary, unjust and apposed to. Article 14 of Constitution of India. The second ground alleged by the Petitioner union is that before 11-10-2002 i.e. on 14-3-2001 Mr. Iyyaswamy was communicated with the order of promotion posting him to. LPT, Ranebennur as Assistant Engineer but, strangely an 8-10-2002 he was issued with relieving order asking him to Jain DDK, Gulbarga as Senior Engineering Assistant. In the order dated 8-10-2002, it is stated that transfer is in the same cadre namely Senior Engineering Assistant, therefore, it cannot be expected that the concerned employee should work in

the lesser post of Senior Engineering Assistant and the relieving order amounts to reversion without any notice. Though salary for the period from 21-11-98 to 4-1-2001 was claimed in O.A.No. 884/2002, it was dismissed by the Central Administrative Tribunal on the ground of 'No work-No pay'. This reference pertains to the period from 11-10-2002 after the promotion on 14-3-2001 and therefore, this stand on different footing and the question to be decided in this case is "Whether Sri Iyyaswamy could be expected to work in lesser post when even according to the Respondent/Management he should be an Assistant Engineer and the relieving order of 8-10-2002 is in conflict with the promotion order dated 14-3-2001 and so also the order of transfer dated 30-01-2002?" From this, it is clear that the concerned employee namely Sri Iyyaswamy is a victim because he is the General Secretary of the union and arbitrariness with which he was treated confirms that he was victimized.

9. Though at the first instance the Petitioner union raised that the concerned employee is a protected workman, as I have already stated that in the Claim Statement they have not raised this issue as one of the grounds for attacking the transfer. Any how, we will discuss the grounds alleged by the Petitioner one by one.

10. Learned counsel for the Petitioner contended that Prasar Bharati Act came into force from 15-9-1997 and it was established on 23-11-97 and the employees of AIR and Doordarshan were deemed to be on deputation with the Prasar Bharati Corporation. While the Supreme Court declared that All India Radio and Doordarshan as an industry under section 2(j) of the I.D. Act, the employees of Respondent Corporation associated themselves to form a trade union and as such the Petitioner trade union was formed on 5-10-98 and registered under Trade Union Act bearing No. 2670/CNI and on 17-11-1998 the Petitioner union informed the Respondent/Management about the formation of the union. The concerned employee Sri Iyyaswamy was elected as General Secretary of the Petitioner Union. In the meantime, on 24-4-98 the concerned employee was transferred to LPT, Belgaum on promotion as Assistant Engineer. The concerned employee challenged the order of transfer in O. A. No. 1011/2000 and on 6-11-1998 he has given a letter foregoing, the promotion and sought to be retained at Chennai. But the Respondent/Management issued an order on the same date i.e. 6-11-98 proposing to relieve him on 20-11-98. On 20-11-98 notwithstanding the fact that Sri Iyyaswamy waive the promotion, the management sought to relieve him on the ground that there are surplus posts in DDK, Chennai, but the information that Sri Iyyaswamy was transferred as a surplus staff is a false one, because on 23-11-98, the Respondent/Management transferred two Senior Engineering Assistants namely Smt. Mohanambal and Mr. Ekambaram to DDK, Chennai. If the Respondent/Management's contention that posts in Chennai are surplus, then there was no necessity to transfer the above said two persons

namely Smt. Mohanambal and Sri Ekambaram to fill up the Senior Engineering Assistants. While the matter was pending as such, again Sri Iyyaswamy was transferred from DDK, Chennai to LPT, Ranebennur on 10-2-99 which was also challenged in O.A. No.1011/2000 before the Central Administrative Tribunal and the Central Administrative Tribunal on 4-1-2001 has declared that Prasar Bharati Corporation has no power to transfer the employees who are on deemed to be deputation and staff still continue to be Govt. servants. So, on 5-1-2001, the concerned employee joined at DDK, Chennai. On 20-6-2000 the union raised the dispute relating to non-payment of salary to concerned employee and while the concerned employee was working so, on 14-3-2001 he was transferred to LPT, Ranebennur as Assistant Engineer. But the said order was not given effect to. But, again on 30-1-2002 he was once again issued with order of transfer as Senior Engineering Assistant to Gulbarga and against this, the concerned employee made a representation in February, 2002 and he filed a Writ Petition No. 6961/2002 in March, 2002. In the meantime, while the Respondent has filed a W.P. against the order passed in O.A. No. 1011/2000 in W.P. 8502/2001, wherein the High Court has held that Respondent/Management has got power to transfer the deemed deputationists. After this order on 17-9-2002, the Respondent/Management on 8-10-2002 issued a relieving order asking the concerned employee to join at Gulbarga and he was relieved on 10-10-2002. Now, the Petitioner union has raised the industrial dispute for the salary of concerned employee from 11-10-2002 to till date. Only in these circumstances, the Petitioner union contended that the transfer order passed by the Respondent/Management is not valid on the ground that once the Respondent/Management has accepted the waiver of promotion, they cannot again transfer him, which is against the provisions of Article 14 of Constitution of India and further, it is not reasonable nor fair and is arbitrary.

11. But, as against this, Respondent/Management contended that though the concerned employee claims that he had submitted representation for foregoing the promotion/transfer, his request was based only on health grounds/domestic problems. The concerned employee never furnished any leave letter or medical certificates for his ailments or treatment alleged to be undergoing or undergone for the same. Further, though the promotion order and also relieving order were issued to the Petitioner, while the Petitioner was working at DDK, Chennai during 1996, they were not received by the concerned employee. Since the concerned employee refused to receive the communication, they were sent to concerned employee's residential address and these letters which were sent to his residential address were also returned as undelivered by the postal authorities. The concerned employee though alleged that he had been elected as an office bearer namely General Secretary of the Petitioner union, has not furnished

the details including total number of members, their names and list of office bearers and area of operation to the Respondent/Management for considering their claim. This was also admitted by Sri R. Iyyaswamy, while he was cross-examined by the Respondent side. Since the concerned employee failed and neglected to submit any leave application for regularization of the period of his absence from 21-10-98 to 4-1-2001, the concerned employee's salary for the said period could not be drawn by the Respondent/Management. Further, the payment of salary for the above period was also dismissed by Central Administrative Tribunal on the ground that the Petitioner is not entitled to salary on the principle of 'no work—no pay' and this order has also been marked as Ex.W26 by the Petitioner union. Even before the High Court the concerned employee has not claimed to be a protected workman. Though he claimed to be General Secretary of the Petitioner union, the concerned employee has chosen to suppress the same and filed W.P. before High Court and O.A. before Central Administrative Tribunal claiming that he is only a Govt. servant and challenged the order of transfer. In Writ Petition No. 8502/2001, it is clearly stated by the High Court that the concerned employee should have been joined at the transferred place like others and submit his representation, if any, but the concerned employee instead of joining the transferred place has filed another W.P. No. 6961/2002 questioning the transfer claiming to be protected workman. However, the High Court in the above Writ Petition dismissed the claim of the Petitioner quoting that successive proceedings of the concerned employee and declared that Petitioner is set in motion only discloses his attempt to avoid transfer by some means or the other. From the conduct of the concerned employee; it is clear that he has not accepted his promotion and joined the transferred place and he has claimed to be only a Senior Engineering Assistant. Since the order dated 17-1-2001 of High Court of Madras against the O.A. No.1011/2000 that Prasar Bharati has got power to transfer the employees working in AIR and Doordarshan and it has not been stayed by Supreme Court, the Respondent/Management is at liberty to transfer their employees within their jurisdiction as per existing rules. Further, the post of concerned employee is transferable post within the zone (south) once in four years. Under such circumstances, it cannot be questioned by the Petitioner union as such. On behalf of the Respondent, it is also contended that though the Petitioner union alleged that order passed by the Respondent/Management transferring the concerned employee as excess in DDK, Chennai and though it is alleged that Smt. Mohanambal and Mr. Ekambaram were accommodated in DDK, Chennai, on 14-12-98 Sri P. Paulraj was transferred and against that vacancy Sri Ekambaram were accommodated in DDK, Chennai, on 14-12-98 and similarly, one Smt. Thamaraiselvi, Senior Engineering Assistant was relieved on 11-1-99 and

against that vacancy Smt. Mohanambal was accommodated and therefore, there is no illegality in the order passed by the Respondent/Management with regard to the concerned employee. Even at the first instance, when the concerned employee claimed salary from 21-10-98 to 4-1-2001, the Central Administrative Tribunal has held that he has no right to salary for the period which he has not worked nor submitted any leave application on the principle of 'No work -No pay'. Though the concerned employee has filed clarification petition in W.P. No. 8502/2001, in which the High Court has upheld the contention of the Respondent/Management and rejected the plea of the concerned employee. Since the post held by the concerned employee is a transferable post, the transfer order has been issued by the competent authority, therefore, it cannot be questioned. Learned counsel for the Respondent further relied on the rulings reported in AIR 1989 SC 1433 Gujarat Electricity Board Vs. Atmaram Sungopal Poshani, wherein the Supreme Court has held that "where a public servant is transferred, he must comply with the order, but if there be any genuine difficulty in proceeding on transfer, it is open to him to make representation to the competent authority for stay, modification or cancellation of transfer order. If the order of transfer is not stayed, modified or cancelled, the concerned public servant must carry out the order of transfer. In order, a public servant has no justification, to avoid or evade transfer order merely on the ground of having made a representation or on the ground of his difficulty in moving from one place to other, if he fails to proceed on transfer in compliance to the transfer order, he would expose himself to disciplinary action under relevant rules." In this case, though the Petitioner union alleged so many things, the concerned employee has not given any representation for stay, modification or cancellation on valid grounds. Under such circumstances, since he failed to proceed, on transfer in compliance with the transfer order passed by Respondent/Management, he is liable for disciplinary action under relevant rules and he cannot claim cancellation of transfer order by raising this dispute.

12. I find much force in the contention of the learned counsel for the Respondent because in this case, though the Petitioner union alleged so many things in the Claim Statement, they have not stated how this order of transfer is not valid in law. Since the concerned employee was holding the transferable post, he cannot question the transfer order. Though it is alleged that the concerned employee has been promoted and subsequent order was issued only in the same post, the concerned employee has neither accepted the promotion nor joined the new station in the promoted post, on the other hand, he has evaded all the letters/correspondence sent by the Respondent/Management. Therefore, the grounds raised by the Petitioner union with regard to this are not valid one.

13. Then I have to answer, with regard to the issue 'Whether the concerned employee is a protected workman

and the transfer order passed by the Respondent/Management is valid or not?"

14. In this case, though it is alleged that the Petitioner union informed the Respondent/Management with regard to registration of Petitioner union and also list of members with regard to protected workman, in a ruling reported in 1999 I LLJ 1112 Tamil Nadu Civil Supplies Employees Union Vs. Tamil Nadu Civil Supplies and Others wherein the Madras High Court has held that "as to the recognition of protected workmen, there must be some positive action on the part of the employer in regard to recognition of employees as protected workmen, before he could claim to be protected workman for the purpose of Section 33. Therefore, the previous permission under section 33(3) would not be necessary before the dismissal." In the appeal, in the same case, TAMIL NADU CIVIL SUPPLIES CORPORATION EMPLOYEES' UNION OTHERS Vs. TAMIL NADU CIVIL SUPPLIES CORPORATION LTD. AND OTHERS, which is reported in 1999 3 LLJ (Supp) 1060, the Division Bench of the Madras High Court has held that "*no doubt, the employees union gave a list of protected workmen on September 23, 1997, the management in February 23, 1998 asked the union to send fresh list excluding the supervisory cadre. There is nothing on record to show that the management had recognised the list or took some positive action to recognise the list of protected workmen which was to be valid for the calendar year 1998.*" and it rejected the appeal and therefore, before an employee claimed to be a protected workman, he must establish that the management has recognised him as a protected workman. Relying on this judgement, the learned counsel for the Respondent contended that Petitioner's contention that the concerned employee was the General Secretary of the Petitioner union and it was informed to the management and therefore, he is entitled to be protected as a protected workman cannot be upheld on the ground that the Respondent/Management has not recognized the list sent by the Petitioner union and the Petitioner union has also not produced any document to show that the Respondent has recognized the list sent by the Petitioner union. Under such circumstances, it cannot be said that the concerned employee is a protected workman and entitled to the benefits under section 33 of I.D. Act. Further, he contended that even if the Petitioner union has got any grievance against the Respondent in not recognizing the concerned employee as a protected workman, they have to take up the matter before the labour authorities under Rule 66(4). Therefore, under no stretch of imagination, it can be said that the concerned employee is a protected workman.

15. I find much force in the contention of the learned counsel for the Respondent and therefore, the recognition cannot be deemed from the circumstances alleged by the Petitioner union.

2733 97/06-22

16. The next point to be decided in this case is whether the concerned employee is entitled to the salary for the period from 11-10-2002 to till date?

17. Since the concerned employee has not given any application of leave and since he has not joined the transferred station, I find he is not entitled to the salary as claimed by the Petitioner union on the principle of "no work - no pay". Therefore, the issues are answered against the Petitioner union.

18. The last point to be decided in this case is to what relief the concerned employee is entitled?

19. In view of my foregoing findings that the concerned employee namely Sri R. Iyyaswamy is not a protected workman and since has not joined the transferred place and since he has not given any leave application, he is not entitled to any salary as claimed by the Petitioner union.

20. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 12th April, 2006.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/Petitioner : WW1 Smt. K. Mymoona.
WW2 Sri R. Iyyaswamy.

For the II Party/Management : None

Documents Marked :—

For the I Party/Petitioner :—

Ex.No.	Date	Description
W1	05-02-98	Xerox copy of the order of Supreme Court in Civil Appeal No. 2423/89
W2	24-04-98	Xerox copy of the promotional order from DDK
W3	06-11-98	Xerox copy of the letter submitted by concerned employee
W4	20-11-98	Xerox copy of the order passed by Respondent
W5	10-02-99	Xerox copy of the another transfer order issued from DDK, Chennai
W6	March, 99	Xerox copy of the affidavit of Mr. Uthandavan in W. P. No. 3512/99
W7	26-03-99	Xerox copy of the representation given by concerned employee to Respondent/Management
W8	21-04-99	Xerox copy of the representation given by concerned employee to Respondent/Management
W9	24-09-99	Xerox copy of the letter from Petitioner union to Respondent/Management
W10	09-11-99	Xerox copy of the letter from union for conciliation for his salary
W11	12-05-00	Xerox copy of the reply given by Respondent/Management
W12	23-06-00	Xerox copy of the dispute raised by union before RLC
W13	04-08-00	Xerox copy of the notice issued by RLC to II Party/Management
W14	Aug. 2000	Xerox copy of the O.A.No 1011/2000
W15	04-01-01	Xerox copy of the order in OA No.1011/2000
W16	05-01-01	Xerox copy of the joining report given by concerned employee after Central Administrative Tribunal order
W17	14-03-01	Xerox copy of the promotional order communicated to concerned employee
W18	April, 2001	Xerox copy of the W.P. No. 8502/2001
W19	20-05-01	Xerox copy of the letter from union to II Party/Management with list of protected workman
W20	30-01-02	Xerox copy of the transfer order from Doordarshan Kendra Chennai to Gulbarga
W21	18-02-02	Xerox copy of the representation submitted by concerned employee to cancel the transfer order
W22	March, 02	Xerox copy of the W.P.No.6961/2002 filed by union
W23	17-09-02	Xerox copy of the order of High Court in W. P. 8502/01
W24	08-10-02	Xerox copy of the notice to Respondent regarding W.P. No. 8502/2001

Ex.No.	Date	Description
W25	10-10-02	Xerox copy of the relieving order issued to concerned employee
W26	18-12-02	Xerox copy of the order of Central Administrative Tribunal in O.A. No. 884/2002
W27	20-01-03	Xerox copy of the notice before RLC regarding payment of salary
W28	10-02-03	Xerox copy of the complaint under Section 33A to Conciliation Officer
W29	17-03-03	Xerox copy of the High Court clarification in W.P. 8502/01
W30	10-04-03	Xerox copy of the list submitted by union to respondent
W31	16-07-03	Xerox copy of the order of High Court in W.P. 6961/02
W32	18-11-98	Xerox copy of the letter from union to Respondent regarding formation of union
W33	15-05-02	Xerox copy of the letter from union to Respondent
W34	24-11-03	Xerox copy of the letter from union to Respondent regarding submission of documents
W35	18-04-04	Xerox copy of the document submitted by union regarding protected workmen.

For the II Party/Management :— Nil

नई दिल्ली, 29 अगस्त, 2006

का.आ. 3752.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रसार भारती ब्राइकास्टिंग कॉर्पोरेशन ऑफ इण्डिया के प्रबंधतांत्र के संबंद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 330/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-8-2006 को प्राप्त हुआ था।

[सं. एल-42012/115/2003-आई आर(सी-II)]
अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 29th August, 2006

S.O. 3752.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 330/273361/06-23

2004) of the Central Government Industrial Tribunal/ Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the management of Prasar Bharati Broadcasting Corporation of India, and their workman, received by the Central Government on 29-8-2006.

[No. L-42012/115/2003-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

**ANNEXURE
BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI**

Tuesday the 16th May, 2006

Present: K. JAYARAMAN, Presiding Officer

Industrial Dispute No. 330/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Prasar Bharati Broadcasting Corporation of India and their workmen)

BETWEEN

The General Secretary, : I Party/Claimant
Broadcasting Engineering
Employees Union,

AND

The Administrative Officer, : II Party/ Management
Prasar Bharati Broadcasting
Corporation of India, Doordarshan Kendra Chennai.

APPEARANCE

For the Claimant : M/s. V. Prakash, Advocates

For the Management : Mr. M. Venkatesawaran,
ACGSC

AWARD

The Central Government, Ministry of Labour vide Order No.L-42012/115/2003-IR(C-II) dated 24-03-2004 has referred the dispute to this Tribunal for adjudication. The Schedule mentioned dispute is as follows :—

“Whether the denial of Canteen facility for the staff of Doordarshan Kendra by the management of Broadcasting Corporation of India, Doordarshan Kendra, Chennai is legal and justified? If so, to what relief the workmen are entitled to?”

2. After the receipt of the reference, it was taken on file as I.D.No.330/2004 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner Union in the Claim Statement are briefly as follows:

The Petitioner is a registered union under Trade Union Act bearing Registration No. 2670/CN1 and is functioning of the welfare and general upliftment of the conditions of service of employees employed under Respondent/Management. The Respondent/Management is an autonomous corporation and it is an industry within the meaning of Section 2(j) of I.D. Act. The employees of the Petitioner union are workmen of Respondent under section 2(s) of the I.D. Act. There are about 600 staff involved in transmission activities round the clock including recording and news coverage and they work in four shifts. The present canteen functions from 08.30 to 18.30 hrs. and on holidays, the canteen functions from 8.30 to 16.30 hrs. with temporary workers. The building, water and electricity are given by the Respondent/Management. The location of DDK, Chennai is totally in an isolated place nearby approaching area for any refreshment is more than two kms. And there are large number of ladies staff. In the morning shift, staff strength is about 50 and the first shift commences from 4.30 hrs to 11.50 hrs. The second shift commences from 10.00 to 17.20 hrs and the staff strength includes all administrative staff, programme staff and engineering staff and staff in this shift is about 400 and the third shift commences from 16.00 hrs. to 23.20 hrs. and the average staff strength is about 80 and normal studio activities are closed at 22.30 hrs. after the news broadcast. The night shift commences from 22.00 hrs. to 5.20 hrs. in which minimum engineering and programme staff are maintained for operation of transmission during the period from: 22.00 hrs to 5.20 hrs. Canteen facilities offered in the shift following first shift between 10.00 hrs to 17.20 hrs for the portion of 1st shift from 8.30 to 10.00 and for the portion of 3rd shift from 10 hrs to 17.20 hrs. Therefore, this industrial dispute is raised with regard to non-availability of canteen facility in the first shift from 4.30 to 8.30 hrs. and from 10.30 hrs to morning 8.30 hrs. where the fourth shift workers and third shift workers are likely to be affected. Canteen facilities are required during the odd hours of the day, when there is no other nourishment available from catering facilities. Further, employees employed in other shifts other than the general shifts are subject to discrimination with regard to the canteen facilities, it is violative of article 14 of Constitution of India. Broadcasting involves a process of capturing visuals and delivering it to the viewers and visual includes not only persons but also articles. Therefore, broadcasting is a manufacturing process within meaning of Section 2k of Factories Act and therefore, Respondent's broadcasting station at Chennai is a factory within the meaning of Section 2(m) of Factories Act. As per Section 46 of Factories Act, it is mandatory that the benefits of employees are provided with canteen facilities and therefore, denial of canteen facility is a violation of provisions of Factories Act. The Respondent/Management

is liable to provide canteen facilities for their employees round the clock at subsidised rates. Hence, the Petitioner union prays this Tribunal to pass an award holding that denial of canteen facility for the staff of Doordarshan Kendra by the Respondent/Management is illegal and also to hold that employees are entitled to 24 hours canteen facility and consequential relief.

4. As against this, the Respondent in its Counter Statement alleged that the Respondent/Management has no knowledge about the registration of Petitioner union. The details/particulars regarding registration number, names of members, office bearers, bye-law and area of operation have not been communicated to the Respondent till date. Hence, the Petitioner union is not a recognised staff association by the department like other associations and therefore, it cannot sustain this claim petition. The Prasar Bharati came into existence in the year 1997 and service conditions rules are yet to be framed. As such all the employees are still Govt. servants on deemed deputation. The dispute between the employees and Kendra are till date being decided by CAT High Court only. As such, the term workman and industrial dispute are not applicable to employees of AIR & Doordarshan as on date. Hence, the petition of this nature will not be entertained by this Tribunal. It is correct to state that there are about 600 staff involved in transmission activities round the clock including recording and news coverage. Total staff strength including officers is less than, 600 and among them there, are only about 145 engineering staff working with Respondent Kendra on shift basis. Even if the programming staff working on shift is taken into account, there will be another 10 to 15 persons in 1st and 3rd shifts and absolutely there will be hardly three persons working in 4th shift. Even from the name of the Petitioner union it can be inferred that they are representing only one cadre i.e. Engineering cadre. But now for record purpose, they purport to claim as if they are the sole representative for entire staff of DDK, Chennai, which is not sustainable. The canteen is functioning at DDK, Chennai and it is a departmental canteen run as per rules and guidelines issued by Directorate of Personnel & Training, New Delhi. Since the canteen employees have been designated as non-shift duty staff by Govt. the canteen timings are 9.15 am to 5.45 pm, but considering the difficulties of shift duty staff and on humanitarian grounds, the canteen is providing breakfast, tea, coffee etc. from 8.30 to 6.30 p.m. as admitted by Petitioner union. However, the facilities for preparing tea, coffee etc. by employees and kitchenette items etc. as prevalent throughout India for meeting their requirements at odd hours are available for shift duty staff. For the majority of staff members including officers, who work between 9.15 to 6.00 pm the canteen provides uninterrupted service to all and for convenience of skeleton staff working at odd hours, kitchenette items are provided. By equating, the Respondent to a factory, the Petitioner wants to gain

undue advantage. The dispute as it neither concerns employment/non-employment of individual nor concerns with any conditions of employment. Therefore the dispute raised by the said unrecognised union only with a view to show that such union exists will not be maintainable. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. In these circumstances, the points for my consideration are —

- (i) "Whether the denial of canteen facility for the staff of Doordarshan Kendra by the Respondent/Management is legal and justified?"
- (ii) "To what relief the workmen are entitled?"

Point No.1:

6. The contention of the Petitioner in this case is that the employees under the Respondent/Management is about 600 staff who are involved in transmission activities round the clock and they have worked in four shifts pattern and now the canteen facilities are given by the Respondent/Management from 8.30 hrs to 18.30 hrs. Though the Respondent/Management has provided facilities namely building, water, electricity, employees salary they have not run the canteen round the clock and the allegations of the Respondent/Management namely DDK, Chennai is totally isolated and further there is no facilities available to staff to go for refreshment and the denial of canteen facility for certain staff of DDK, Chennai in the 1st shift, 3rd shift and 4th shift is illegal and therefore, they pray that employees are entitled to 24 hours canteen facility and hence they have raised this dispute. On behalf of the Petitioner, it is further contended that canteen facility with regard to employees working in odd hours is denied and they are also discriminated with regard to canteen facility. It is further contended on behalf of the Petitioner that broadcasting is a manufacturing process within the meaning of Section 2(k) of Factories Act. It is further contended that under section 46 of Factories Act, benefit of canteen facility is to be provided and it is mandatory on the part of the Respondent/Management. Therefore, the denial of canteen facility is in violation of provisions of Factories Act.

7. But, as against this, the Respondent contended that the Petitioner Union is not a recognised union and therefore, they cannot sustain this claim against the Respondent/Management. The 2nd contention of the Respondent is that employees of DDK, Chennai are still Govt. servants working for Prasar Bharati on deemed deputation and hence the term of workman under I.D. Act are not applicable to the employees of DDK. Thirdly, even now the Respondent/Management runs a canteen at DDK, Chennai which is a departmental canteen run as per rules and guidelines issued by the Directorate of Personnel &

Training, New Delhi. Since the canteen employees have been designated as non-shift duty staff by Govt. the canteen timings are from 9.15 A.M. to 5.45 P.M. But considering the difficulties of shift duty staff and on humanitarian grounds, canteen is providing breakfast, tea, coffee etc. from 8.30 A.M. to 6.30 P.M. However, the facilities for preparing tea, coffee, etc. by the employees and kitchenette items etc. as prevalent throughout India for meeting their requirements at odd hours are available for shift duty staff. It is the further contention of the Respondent that majority of staff members is work is between 9.15 A.M. to 6.00 P.M. and they were provided with full canteen facility. For odd hours duty, kitchenette items are provided. It is also contended that Petitioner union wants to confuse the issue by means of interpreting the terms factory and manufacturing process and they want to gain undue advantage by raising this issue. According to the Respondent it is not an industrial dispute at all to raise before this Tribunal.

8. In order to substantiate the contention of the Petitioner, Vice-President of the Petitioner union was examined as WW 1 and on their side no document was marked before this Tribunal. On the side of the Respondent/Management Administrative Officer of the Respondent/Management Sri P. Raman Kutty was examined as MW1 and on their side four documents were filed. EX.M1 is the office memorandum issued by Department of Personnel & Training dated 22-12-2004. Ex. M2 is the copy of office memorandum issued by Department of Personnel and Training dated 19-11-93 and Ex. M3 is the copy of order of High Court in W.P. No. 20051/2000 and Ex. M4 is the copy of circular issued by Respondent/Management dated 13-9-2004.

9. Learned counsel for the Respondent contended that after the issue of office memorandum under Ex. M1 the Respondent/Management conducted work study to implement the recommendation and it is still pending with the Ministry and as soon as they receive it will be implemented and at this stage, they cannot implement the same independently and they have to act only on the direction of the Ministry.

10. As against this, learned counsel for the Petitioner contended that even MW1 has admitted that the present staff strength is 531 and they are also engaging contract labourers and casual labourers, hence, total strength of staff comes more than 600 and it is also admitted by MW1 that DDK cannot stop relay programme in any day for any hour and it is a continuous one and it is also his admission that they have to employ employees for all the 24 hours and even though the staff work under four shifts the canteen facility which was provided to the staff from morning 8.30 A.M. to 6.30 P.M. it will only cover second shift entirely, and the 1st and 3rd shift partially and it is his further contention that the fourth shift staff are not provided

with canteen facility totally. Under such circumstances, the Respondent/Management has to provide canteen facility to the entire staff as per the provisions of law.

11. Learned counsel for the Petitioner further contended that DDK, Chennai has got three studios which consists of producers, directors, T.V. news presenters, graphic supervisor, cameramen, editor, film processing supervisors, make-up assistants, light assistants, production assistants, carpenter, tailor, painter, film projectionist and the DDK also conducts dramas and other documentaries. Since the Respondent/Management has not provided canteen facility to one shift totally and two shifts partially, it is a discrimination among the staff members. Though, it is alleged that they have provided automatic tea/coffee vending machines and kitchenette facility, it is not properly maintained by the Respondent/Management and therefore, it is not valid against the provisions of law to contend that the Petitioner is not entitled to claim canteen facility throughout the day. It is further contended on behalf of the Petitioner that under Factories Act Section 2(m) 'Factory' is defined as "Where there may be manufacturing process being carried on in the premises". Further, manufacturing process is denied under Section 2k(1) of Factories Act as "making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, braking up, demolishing or otherwise treating or adopting any article or substance with a view to its use, sale, transport delivery or disposal or....." and relying on this definition, learned counsel for the Petitioner contended that broadcasting involves capturing visuals and delivering it to viewers and visual includes not only persons but also articles. The process of broadcasting is basically the capture of image to the camera synchronising with the commentary, dialogue or any verbal communication as the case may be and broadcast it to the viewers through broadcasting mechanism and the eventual use is education or entertainment for information or communication and therefore, the broadcasting is a manufacturing process within the meaning of Section 2k of the Factories Act. It is further argued on behalf of the Petitioner that Madras DDK is a factory within the meaning of Section 2(m) of Factories Act and since it is a factory under Section 46 of the Factories Act, it is mandatory that the benefits of employees are provided with canteen facilities and as such, denial of canteen facilities during the hours referred to by the Petitioner is in violation of provisions of Factories Act.

12. But, I am not inclined to accept the arguments of learned counsel for the Petitioner because stretching the definition of Factory to the DDK is not fair on the part of the Petitioner union. As such, I am not inclined to accept the contention of the Petitioner union that DDK is a factory and the denial of canteen facility is a violation of provisions of Factories Act. But, on the other hand, though the Respondent contended that Petitioner union is not a

recognised union and cannot sustain the claim, I find there is no point in the contention of the Respondent because the Petitioner has established before this Tribunal that the union has been registered under Trade Union Act and it was also intimated to the Respondent/Management.

13. Again, learned counsel for the Respondent contended that employees of DDK are still Govt. servants working for Prasar Bharati on deemed deputation and hence the term workman and industrial dispute etc. are not applicable to the employees of DDK, Chennai is also without any substance because already the Supreme Court has held that AIR and Doordarshan are industries within the meaning of I.D. Act and under such circumstances, the provisions of I.D. Act are applicable to Petitioner union.

14. Then, again learned counsel for the Respondent contended that DDK, Chennai is running a departmental canteen as per rules and guidelines issued by Department of Personnel & Training, New Delhi and by considering the difficulties of shift duty staff and on humanitarian grounds, the canteen is providing breakfast, tea, coffee etc. from 8.30 am to 6.30 pm. Further, the facilities for preparing tea, coffee by the employees kitchenette items is prevalent for meeting their requirements at odd hours/night duty staff. Under such circumstances, the demand of the Petitioner union for canteen facilities throughout the day cannot be granted. It is the further argument on behalf of the Respondent that majority of staff members who have been working from 9.15 am to 6.00 pm are provided canteen facility and for odd hours duty, kitchenette facility is provided and hence, the claim of the Petitioner union cannot be upheld.

15. But, here again I am not inclined to accept the contention of the Respondent because though it is alleged by MWI that there are only 553 staff members in DDK, Chennai, they have not given the exact figure of staff members, but they must have got the figures on hand. But, I find they have not refusing this fact with any satisfactory evidence. On the other hand, the Petitioner contended that there are more than 600 staff members and the DDK is working round the clock and therefore, the canteen facility must be provided to them. On the other hand, the Respondent contended that majority of staff members are working only in second shift namely from 10.00 hrs. 17.20 hrs. and they were provided with full canteen facilities. But the Respondent has not produced any document to show that how many members are working in second shift namely from 10.00 am to 5.20 pm. When MWI has stated that DDK, Chennai has got three studios and they cannot stop relay programme for any day or for any hour and the Doordarshan process is a continuous one, I find the staff of DDK should be provided with canteen facility throughout the day. Though in the Counter Statement it is alleged that in the odd hours only four engineering staff alone are working, it is not established before this Court

that only three persons are working in fourth shift. As against this, the Petitioner contended that even in fourth shift nearly 20 staff are working between 22.00 hrs. to 5.20 hrs. But, the Petitioner also has not produced any document to show that in fourth shift nearly 20 persons are working under Respondent/Management. It is only an oath against the oath between two parties. Any how, since the Respondent/Management has admitted that DDK is relaying programmes for all the 24 hours and they have to employ employees for all the 24 hours, I find the canteen facility should be given to staff members who are working even in odd hours. As such, I find the denial of canteen facility for the staff of DDK, Chennai by Respondent/Management is not legal and justified.

Point No. 2 :

The next point to be decided in this case is to what relief the Petitioner is entitled ?

16. In view of my foregoing findings, I find the denial of canteen facility to the staff of Respondent/Management is not legal and justified. Therefore, I direct the Respondent/Management to provide canteen facility for all the 24 hours. No Costs.

17. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 16th May, 2006.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :

For the I Party/Claimant : WW1 Smt. K. Mymoona

For the II Party/Management : MW1 Sri P. Raman Kutty

Documents Marked :—

For the I Party/Petitioner :— Nil

For the II Party/Management :—

Ex. No.	Date	Description
M 1	22-12-2004	Xerox copy of the office memorandum issued by Department of Personnel & Training, New Delhi.
M2	19-11-93	Xerox copy of the office memorandum issued by Department of Personnel & Training, New Delhi.
M3	17-01-2001	Xerox copy of the order of High Court in W.P. No. 20051/2000
M4 d	13-09-2004	Xerox copy of the circular issued by Respondent.

नई दिल्ली, 25 अगस्त, 2006

का.आ. 3753.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मास्टर माराइन

सर्विश प्रा. लि. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई-2 के पंचाट (संदर्भ संख्या 2/57/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-8-2006 को प्राप्त हुआ था।

[सं. एल-39012/3/2001-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 25th August, 2006

S.O. 3753.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/57/2001) of the Central Government Industrial Tribunal/Labour Court, Mumbai-2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Master Marine Service (P) Ltd. and their workman, which was received by the Central Government on 24-8-2006.

[No. L-39012/3/2001-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

A. A. Lad, Presiding Officer

Reference : CGIT-2/57 of 2001.

Employers in Relation to the Management of Master Marine Service P-VT. Ltd.

Executive Director,
Master Marine Services Pvt. Ltd.,
22/D.S.A. Brelvi Road, Fort,
Mumbai 400 021.

AND

Their workmen

Shri Narayan P. Kahar,
17/A, Abdul Aziz Chawl,
Room No.6, Naupada, Kurla (W),
Mumbai 400 070.

APPEARANCE:

For the Employer : Shri G.R. Naik, Advocate

For the Workman : Mrs. Jaiprakash Sawant,
Advocate

Date of reserving Award: 22nd May, 2006

Date of passing of Award: 8th June, 2006.

AWARD—PART I

The matrix of the facts as culled out from the proceeding are as under:

1. The Government of India, Ministry of Labour, by its Order No. L-39012/3/2001/IR(M) dated 14th May, 2001

in exercise of powers conferred by Clause (d) of Sub-section (I) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, have referred the following Industrial Dispute to this Tribunal for adjudication :

“Whether the action of the management of Master Marine Services Ltd., in dismissing the services of Mr. Narayan P. Kahar, an ex-Survey Clerk w.e.f. 27-6-2000 is legal and justified? If not, what relief the workman concerned is entitled to?”

2. To substantiate the subject-matter involved in the reference Second Party filed statement of claim at Exhibit 7 contending that workman involved in the reference Shri Narayan P. Kahar was terminated without following due process of law. He was not permitted to report on duty w.e.f. 26th June, 2006 without assigning any reason. The amount 20,000. A criminal case of committing theft of Rs. 20,000 was lodged against him. The case proceeded before Uran Court which acquitted Kahar holding not guilty of theft charge. Still workman Kahar was not permitted to report on duty which is nothing but retrenchment done without following due process of law. Retrenchment effected on workman Kahar is illegal. So it is prayed that, the workman be reinstated with benefit of back wages.

3. This claim of the 2nd Party is disputed by the 1st Party by filing Written Statement at Exhibit 9 stating that, Kahar committed theft of cash of Rs. 20,000. He was prosecuted before the Uran Court, though he was acquitted. An amount of Rs. 20,000 was recovered from him. Since amount of Rs. 20,000 was recovered 1st Party, it does not find it necessary to proceed against him. It is denied that he was terminated with effect from 27th June, 2000. In fact he did not report on duty from 22nd June, 2000, since his arrest. As Kahar did not report on duty, after his arrest, and said amount of Rs. 20,000 was recovered during investigation by the Police, 1st Party did not feel proper to proceed to conduct domestic enquiry against Kahar and take any action. Besides it, it is stated that, 1st Party lost confidence on Mr. Kahar, the employee involved in the reference and in this situation, he cannot claim reinstatement. So it is submitted that, reference be rejected.

4. In view of the above pleadings my Ld. Predecessor framed Issues at Exhibit 11, which I answer as follows:

ISSUE	FINDING
(1) Whether the action of the management of Master Marine Services Ltd., in dismissing the services of Mr. Narayan P. Kahar, an ex-survey Clerk w.e.f. 27-6-2000 is legal and justified?	No
(2) What relief Mr. Narayan P. Kahar is entitled to?	1st Party to justify Action.

5. On the strength of the complaint made by the Union the failure report was submitted to the Under Secretary, Government of India, Ministry of Labour, regarding so called dismissal dated 27th June, 2000 effected

on Narayan P. Kahar stating to see whether it is justifiable or otherwise?

6. As stated above, to prove that, 1st Party led evidence of number of witnesses including evidence of Rane at Exhibit 17, evidence of Koli at Exhibit 20, evidence of Kadu at Exhibit 21, evidence of Mhatre at Exhibit 22, evidence of Haeems at Exhibit 24, and evidence of Gajanan D. Mhatre at Exhibit 26. So in all six witnesses are examined by 1st Party to establish that Rs. 20,000 were stolen by Kahar and he lost confidence of 1st Party who is not entitled to claim reinstatement. Whereas 2nd Party examined only Kahar at Exhibit 16.

7. The evidence of Mr. Kahar, the workman, did not focus any light on the charges of theft, which he denied. Against that evidence led by 1st Party by examining six witnesses clearly establish that, domestic enquiry was not conducted against Kahar on recovery of Rs. 20,000 from the Kahar workman. Besides, it is admitted that, no termination was served on Kahar. Still by letter dated 7th July, 2000 1st Party expressed its inability to take back Kahar in the employment stating that, till investigation in the matter is completed, it is not appropriate for them to take him in the employment. So, this letter, dated 7th July, 2000, admitted by 1st Party, is nothing but denying relations of the employee with the 1st Party as employer and employee. When relations are denied and when he is not permitted to report on duty, it is nothing but retrenchment.

8. It is a matter of record that no notice was given either of termination or retrenchment by 1st Party to Kahar. It is a matter of record that, salary of one month in lieu of notice nor notice of one month appears given declaring intention of 1st Party, not permitting Kahar to report on duty. Even it is a matter of record that, no domestic enquiry was conducted which is not bar though Criminal case is going on the same issue against the workman. Besides, it is a matter of record that, no direct evidence is in the proceedings which connect Kahar in connection with theft of Rs. 20,000. Besides, it is not established that, Kahar has committed theft of Rs. 20,000. The criminal case referred above proceeded in Uran Court, where he got acquittal. It is also pertinent to note that in the statement recorded in Criminal Case C.R. No. 1-35/2000 question of recovery of Rs. 20,000 was put to both the accused. As per the records, it is revealed that, said amount of Rs. 20,000 was recovered from another accused and not from the present workman.

9. All this reveals that domestic enquiry was not conducted, one month notice was not given declaring intention of 1st Party to terminate the services of the 2nd Party, or to discontinue him or not allowing Kahar to work. No salary of one month was given in lieu of notice. Retrenchment dues are not paid. All this reveals that, the action of not permitting workman Kahar to report on duty as per letter dated 7-7-2000 is nothing but, retrenchment. When it is retrenchment and when it is not followed by

following the due process of law, definitely one has to conclude that it is not just and proper as well as legal.

10. Number of citations are referred by 1st Party, viz. 1989 (58) page. 1011, Shakti Capacitors v/s. Heramba Bhaskar Sahasrabudhe, (of our Hon'ble High Court), 1995 LLR p. 149 Vasant Rama Bhagade v/s. Bombay Port Trusts and Ors. (of our Hon'ble High Court), 2001 LLR p. 529, SC, Karnataka State Road Transport Corporation, 2001 IIInd CLR p. 335, Hindustan Petroleum Corp. Ltd. v/s. Pratap Vishnu Dhuri and Ors. (of our Hon'ble High Court), 1996 LLR p. 291/(Rajasthan High Court) Suraj Prakash v/s. The Judge, Labour Court, 2000 LLR p. 933 (our Hon'ble High Court) A.D. Sandbhor Pune v/s. Garware Wall Ropes Ltd., 1995 (4) Bom. C.R. p. 461 (Bombay High Court) Shankar Amrita Deshmukh v/s. Paper & Pulp Conversions Ltd., which reveals that, 1st Party must get an opportunity to justify its action of not permitting the Kahar to report on duty. In fact issues are of that type. However, issue is framed directly on the subject-matter of the reference. In fact 1st Party was supposed to justify its action by leading evidence. I think wrong impression is carried by 1st Party with the help of these ruling and it presumed that, it can led evidence and proceed freshly by holding enquiry. In fact it is not like that. At the most relying on the above rulings, 1st Party will get an opportunity to justify the action taken by it and cannot now conduct an enquiry or led evidence as if it got an opportunity to prove the charges as if in the enquiry.

11. So, if we consider all this, coupled with case of both, I conclude that, the action taken by 1st Party is not justified by it. So I direct 1st Party to justify its action and led evidence to support, how its action of denying Kahar to report on duty is just and proper. Hence, the order :

ORDER

1st Party to led evidence to justify its action, by attending this Tribunal on 2nd August, 2006.

At Mumbai,

8th June, 2006.

A. A. LAD, Presiding Officer

नई दिल्ली, 1 सितम्बर, 2006

का.आ. 3754.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उप-खण्ड (vi) के उपबंधों के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ.—.दिनांक 24-3-2006 द्वारा हिन्दुस्तान एरोनाटिक्स लिमिटेड जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 8 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 24-3-2006 से छ: मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छ: मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 24-9-2006 से छ: मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/1/2003-आई आर(पी एल)]
गुरजोत कौर, संयुक्त सचिव

New Delhi, the 1st September, 2006

S.O. 3754.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No.—dated 24-3-2006 the service in Hindustan Aeronautics Limited which is covered by item 8 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 24th March, 2006.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 24th September, 2006.

[F. No. S-11017/1/2003 - IR (PL)]

GURJOT KAUR, Jt. Secy.